### PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS FEBRUARY 21, 2018

Pursuant to Section 19.84 and 59.14, <u>Wis. Stats.</u>, notice is hereby given to the public that the REGULAR meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, February 21, 2018 at 7:00 p.m.**, in the Legislative Room 203, 100 North Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order at 7:00 p.m. Invocation.
Pledge of Allegiance.

Opening Roll Call: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima,

Evans, Vander Leest, Buckley, Landwehr, Dantinne, Brusky, Ballard, Kaster, Van Dyck, Linssen, Clancy, Campbell, Moynihan, Schadewald,

Lund, Becker.

Excused: Kneiszel.

Total Present: 24 Total Excused: 1

#### No. 1 -- ADOPTION OF AGENDA.

A motion was made by Supervisor Nicholson and seconded by Supervisor Campbell "to approve agenda." Voice vote taken. Motion carried unanimously.

#### \*\*Presentation\*\*

Matt Kriese, Parks Director, and Supervisor Van Dyck, gave a presentation to the Board on the Commendation to NWTC Electrical Power Distribution & Gas Utility Program Students and Instructors.

#### No. 2 -- COMMENTS FROM THE PUBLIC:

- a) State name and address for the record.
- b) Comments will be limited to five minutes.
- c) The Board's role is to listen to public comments, and not ask questions, discuss nor take action regarding public comments.

There were no comments from the public.

#### No. 3 -- APPROVAL OF MINUTES OF JANUARY 17, 2018.

A motion was made by Supervisor Kaster and seconded by Supervisor Dantinne "to approve minutes." Voice vote taken. Motion carried unanimously.

#### No. 4 -- ANNOUNCEMENTS OF SUPERVISORS.

Supervisor Brusky discussed an email that was sent on February 14, 2018 from the Wisconsin Counties Association. A message was sent to Governor Walker regarding legislation and acknowledged the "WCA Phone2Action" as being a new advocacy tool. Supervisor Brusky recommended that her fellow Board members strongly consider utilizing this new technology in the future.

Supervisor Schadewald acknowledged Brown County employee Kevin Ray (Network Infrastructure Manager) for his efforts to save Green Bay Schools 2.4 million dollars over the course of twenty years.

Supervisor Sieber congratulated the Green Bay Phoenix Ladies Basketball Team on their 20<sup>th</sup> straight conference title.

Supervisor Lefebvre thanked Supervisor Brusky for her tenacity and efforts of getting ADA's for the County. Supervisor Lefebvre also cautioned fellow supervisors to be careful walking through the icy conditions.

Supervisor Van Dyck read from the Local Tax Times regarding the Brown County Tax Payer Association's Lawsuit against the County. In the article the BCTPA display inconsistencies in their opposition to taxes.

#### No. 5 -- PRESENTATION OF COMMUNICATIONS FOR CONSIDERATION

#### **LATE COMMUNICATIONS:**

No. 5a -
FROM SUPERVISORS BECKER, ERICKSON, LEFEBVRE, SCHADEWALD,
CLANCY, HOYER, BUCKLEY, GRUSZYNSKI, MOYNIHAN, EVANS, BRUSKY,
AND CAMPBELL: TO HUMAN SERVICES COMMITTEE: EXPLORE A
POSSIBLE PARTNERSHIP WITH ANY INTERESTED BROWN COUNTY
SCHOOL DISTRICT, TO ALLOW THEM ACCESS TO BROWN COUNTY'S
MENTAL HEALTH PROGRAMS, SERVICES, AND COUNSELORS.

Referred to Human Services Committee

No. 5b -- FROM SUPERVISOR SCHADEWALD: REQUEST FOR COMMITTEE TO EVALUATE CHANGING SPEED LIMIT ON HIGHWAY J BACK TO 45 MPH, PER RESOLUTION OF VILLAGE OF HOBART LAST NIGHT.

Referred to Planning, Development, and Transportation Committee

No. 5c -- FROM SUPERVISOR LINSSEN: TO HAVE THE COUNTY CLERK REPORT TO THE COUNTY BOARD REGARDING CITIZEN REPORTS OF ELECTION DAY DE-REGISTRATION ISSUES.

Referred to County Clerk

No. 5d -- FROM SUPERVISOR DE WANE: FOR THE COUNTY TO HELP PAY FOR STREET UPGRADES ON E. MASON FOR THE NATUREWAY EXPANSION. (CURB, CUTS, ETC.)

Referred to Planning, Development and Transportation Committee

No. 5e -- FROM SUPERVISOR BUCKLEY: ASK THE SHERIFF'S DEPARTMENT AS
THE LEAD AGENCY IN BROWN COUNTY TO HOST A MEETING BETWEEN
LAW ENFORCEMENT AND SCHOOL DISTRICTS IN BROWN COUNTY TO
EVALUATE SCHOOL SECURITY.

Referred to Public Safety Committee

- No. 6 -- APPOINTMENTS BY COUNTY BOARD CHAIR AND COUNTY EXECUTIVE.
- No. 6a -- APPOINTMENT OF SAM WARPINSKI TO THE AGING & DISABILITY RESOURCE CENTER BOARD OF DIRECTORS

A motion was made by Supervisor Clancy and seconded by Supervisor Campbell "to approve appointment." Voice vote taken. Motion carried unanimously.

#### No. 6b -- APPOINTMENT OF PETE DIEMER TO THE HARBOR COMMISSION

A motion was made by Supervisor Erickson and seconded by Supervisor Sieber "to approve appointment." Voice vote taken. Motion carried unanimously.

## No. 6c -- APPOINTMENT OF MICHAEL LEFEBVRE TO THE SOLID WASTE MANAGEMENT BOARD

A motion was made by Supervisor Dantinne and seconded by Supervisor Lefebvre "to approve appointment." Voice vote taken. Motion carried unanimously.

### No. 6d -- APPOINTMENT OF ANNA DESTREE AND REAPPOINTMENT OF PETER FLUCKE TO THE TRAFFIC SAFETY COMMITTEE

A motion was made by Supervisor Campbell and seconded by Supervisor Hoyer "to approve the appointment and reappointment." Voice vote taken. Motion carried unanimously.

#### No. 7a -- REPORT BY BOARD CHAIRMAN.

Chairman Moynihan welcomed Baili Schreiber as the new Deputy County Clerk of Communications.

Chairman Moynihan thanked his fellow Board members and the public for braving the icy conditions on Election Day.

Chairman Moynihan explained to the Board that when they get to agenda Item #9c, Education and Recreation Committee Report, Item #15 of the report is not yet complete for tonight's Board meeting.

Chairman Moynihan also explained that Items #10k and #10l were voted on as an "either or" at the Executive Committee Meeting. Therefore at tonight's meeting a motion to approve can only be applied to one with the other being received and placed on file.

#### No. 7b -- REPORT BY COUNTY EXECUTIVE.

Executive Streckenbach praised the Board of Supervisors for their quality decorum and gave kudos to the leadership of supervisors, administration, and department heads on their good work within the County.

Executive Streckenbach congratulated and gave his gratitude to Neville Museum Director Beth Lemke, as the museum set records for attendance and revenue in January 2018. Mr. Streckenbach stated this increased interest and productivity is due to the quality programming that staff has worked to bring value to the community.

Executive Streckenbach stated he attended a WCA legislative exchange in Madison. One topic of conversation focused on the potential of bringing additional ADA's to local counties. As the bill currently stands Brown County would see an additional two ADA's beginning in July 2019. Mr. Streckenbach also extended his gratitude to Supervisor Brusky for all of her hard work in supporting this bill.

Executive Streckenbach discussed his invitation by the UWGB Chancellor to represent the community regarding the new engineering program at UWGB. Mr. Streckenbach noted that Richard Resch donated five million dollars to the school of engineering as well as one million dollars was donated by WPS. Executive Streckenbach stated that this all began with the County Board bonding five millions dollars for the STEM project years previously.

Executive Streckenbach informed the Board that there will be a Leadership Round Table at Lambeau Field on March 6, 2018 regarding the Fox River and Local Water Shed; *engaging protection of water in the community*.

County Executive Streckenbach discussed the current state of juvenile holdings in Wisconsin. Currently, it is proposed that the state will close Lincoln Hills and Copper Ridge with the intent of building five to six local facilities, with the state paying 95% of these costs. On March 28, 2018, Mr. Streckenbach, Supervisor Buckley, Sheriff Gossage, Judge Morrison, Danielle and Kevin Brennan will all be attending a conference to discuss how to manage keeping kids closer to home, while also dealing with the complexities of housing short term juveniles.

Mr. Streckenbach highlighted the fundraiser for the Old Glory Honor Flight held at Lambeau Field and also stressed the significance of the public welcoming home the Flight of Champions on November 1, 2018.

Executive Streckenbach introduced Tony and Kathy Yaggie of *All Sports Marketing* in Suamico, who unveiled the 200<sup>th</sup> Anniversary of Brown County Monopoly Board Game. The Yaggie's thanked Supervisor Campbell and Executive Streckenbach for their efforts as well as the 44 local game sponsors. At that time, the Yaggies gifted each of the Board members with a copy of the game.

#### No. 8 -- OTHER REPORTS. NONE.

#### No. 9 -- Standing Committee Reports

#### No. 9a -- REPORT OF ADMINISTRATION COMMITTEE OF FEBRUARY 7, 2018.

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS Ladies and Gentlemen:

The **ADMINISTRATION COMMITTEE** met in regular session on February 7, 2018 and recommends the following:

- 1. Review minutes of:
  - a. Housing Authority (December 18, 2017). Receive and place on file.
- 2. Communication from Supervisor Linssen re: To allocate up to \$150,000 for a study on options for regional Fiber-to-the-Premises development. *Referred to staff to bring back in February.* To hold for 30 days.
- 3. Communication from Supervisor Hoyer re: Pursue contracting or hiring a grant specialist to find and complete grant applications in the area of Human Services. To hold for 30 days.
- 4. Technology Services Budget Status Financial Report thru December 2017. Receive and place on file.
- 5. Technology Services Budget Adjustment Request (17-99): Reallocation of more than 10% of the funds original appropriated between and of the levels of appropriation. To approve.
- 6. Technology Services Technology Services Monthly Report. Receive and place on file.
- 7. Child Support Departmental Openings Summary. Receive and place on file.
- 8. Child Support Director Summary. Receive and place on file.
- 9. County Clerk Resolution in Support of Alternate Options for Absentee Voting. <u>To support the resolution</u>. See Resolutions & Ordinances.
- 10. Treasurer's Report Department Update:
  - a. Winter Property Tax Collection Summary. Receive and place on file.
  - b. Progress update on Banking Services Agreement RFP #2167. Receive and place on file.
  - c. 2017 Tax Rate & Detail Report. Receive and place on file.
  - d. Update on County Owned Parcels SU-796-3, SU-796-4, SU-796-5 Village of Suamico. Receive and place on file.
- 11. Corporation Counsel Report. Receive and place on file.
- HR Ordinance to Amend Section 4.49 (Entitled 'Extra Pay') of Chapter 4 of the Brown County Code of Ordinances. <u>Receive and place on file</u>. See Resolutions & Ordinances.
- 13. HR Resolution to Reauthorize Self-Funded Worker's Compensation. <u>To approve</u>. See Resolutions & Ordinances.
- 14. HR Turnover Reports. Receive and place on file.
- 15. HR Department Vacancies Report. Receive and place on file.
- 16. HR Health & Dental Plan Reports. Receive and place on file.
- 17. HR Director's Report. Receive and place on file.
- 18. Dept. of Admin Budget Adjustment Log. Receive and place on file.
- 19. Dept. of Admin Director's Report. Receive and place on file.
- 20. Audit of bills. To acknowledge the receipt of the bills.

A motion was made by Supervisor Nicholson and seconded by Supervisor De Wane "**to adopt.**" Supervisor Erickson requested that item #3 be taken separately. Voice vote taken on the remainder of the report. Motion carried unanimously with no abstentions.

<u>Item #3 - Communication from Supervisor Hoyer re: Pursue contracting or hiring a grant specialist to find and complete grant applications in the area of Human Services. To hold for 30 days.</u>

Following discussion a motion was made by Supervisor Erickson seconded by Supervisor Zima "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

### No. 9b -- REPORT OF EDUCATION & RECREATION COMMITTEE OF JANUARY 25, 2018

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS Ladies and Gentlemen:

The **Education & Recreation Committee** met in regular session on January 25, 2018 and recommends the following:

- 1. Review Minutes of:
  - a. Neville Public Museum Governing Board (December 11, 2017 & January 8, 2018). Receive and place on file.
- 1b. Late Communication from Supervisor Corrie Campbell re: To discuss the possibility of directing staff of Parks Dept. to look into the possibility of bringing Ice Castles to the Brown County Fairgrounds in 2019, and for consideration and possible action, directing staff to open talks with the national and regional team from Ice Castles (Stillwater, MN) to enter into discussions with the Ice Castles team and interested parties, including, but not limited to the Brown County Fair Board and its executive board, officials and planning staff both from City of De Pere and Village of Ashwaubenon, and representatives from the Greater Green Bay Area Visitor and Convention Bureau, to bring Ice Castles to the Brown County Fairgrounds in 2019. To direct staff in the Parks Department to look into the possibility of bringing Ice Castles to Brown County Fairgrounds in 2019
- 2. Golf Course Superintendent's Report. Receive and place on file.
- 3. Library Report/Director's Report for October and November 2017 (Unaudited). Receive and place on file.
- 4. Museum Budget Status Financial Report for November 2017 (Unaudited). Receive and place on file.
- 5. Museum Director's Report. Receive and place on file.
- 6. NEW Zoo Budget Status Financial Report for October and November 2017 (Unaudited). Receive and place on file.
- 7. NEW Zoo Director's Report and Zoo Monthly Activity Reports for November 2017 and January 2018. Receive and place on file.
- 8. Parks Budget Status Financial Report for November 2017 (Unaudited). Receive and place on file.
- 9. Parks Dept. Discussion/Update re: Transfer of Wrightstown Boat Landing to Village of Wrightstown. Receive and place on file.
- 10. Parks Dept. December 2017 Attendance and Field Staff Reports. Receive and place on file.

- 11. Parks Dept. Assistant Director's Report. Receive and place on file.
- 12. Parks Dept. Resolution to Consent to Easement of the Mountain Bay Trail. <u>To approve.</u> See Resolutions & Ordinances.
- 13. Parks Dept. Resolution to Approve Land Use Agreement regarding the Fox River State Trail. To approve. See Resolutions & Ordinances.
- 14. Parks Dept. Budget Adjustment Request (17-95): Any increase in expenses with an offsetting increase in revenue. <u>To approve.</u>
- 15. Parks Dept. Request from Fair Board for constructing new building on Park property.

  To direct Corporation Counsel to draft a resolution to go before the February County

  Board in support of the Fair Board's request to construct a storage building at the fairgrounds and develop an MOA.
- 16. Ordinance to Amend Section 4.49 (Entitled "Extra Pay") of Chapter 4 of the Brown County Code of Ordinances. <u>To approve.</u> See Resolutions & Ordinances.
- 17. Audit of bills. To approve the bills.

A motion was made by Supervisor Van Dyck and seconded by Supervisor Lefebvre "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

#### No. 9c -- REPORT OF EXECUTIVE COMMITTEE OF FEBRUARY 12, 2018.

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **EXECUTIVE COMMITTEE** met in regular session on February 12, 2018 and recommends the following:

- 1. Review Minutes of: None.
- 2. Legal Bills Review and Possible Action on Legal Bills to be paid. To pay the legal bills.
- 3. Communication from Supervisor Becker re: Form an ad hoc committee to examine redistricting process. Receive and place on file.
- 4. Communication from Milwaukee County Clerk re: Draft Legislation Potentially Impacting County Government. To forward to Corporation Counsel to draft a Resolution to send to the northeastern Wisconsin representatives and the Governor stating Brown County is not in favor of this legislation. See Resolutions & Ordinances.
- 5. Resolution in Support to Alternate Options for Absentee Voting. <u>To approve</u>. See Resolutions & Ordinances.
- 6. Resolution regarding Reclassification the LTE-Garden Blitz Coordinator Position in the UW-Extension Table of Organization, and Amending the Position Description. <u>To</u> approve. See Resolutions & Ordinances.
- 7. Resolution Authorizing the Purchase and Sale of Real Estate. *This item was removed from the agenda; no action taken.*
- 8. Resolution re: Public Works Rule PW-10 (Specialty Pay) with Overtime Pay Retroactive to 01-01-2018 Provision and *WITH* Critical Revenue Provision. Receive and place on file. See Resolutions & Ordinances.
- 9. Resolution re: Public Works Rule PW-10 (Specialty Pay) with Overtime Pay Retroactive to 01-01-2018 Provision and *WITHOUT* Critical Revenue Provision. <u>To approve</u>. See Resolutions & Ordinances.
- 10. Resolution Supporting Senate and Assembly Bills regarding Additional Assistant District Attorney Positions. To approve. See Resolutions & Ordinances.

- 11. Ordinance to Amend Section 4.49 (Entitled "Extra Pay") of Chapter 4 of the Brown County Code of Ordinances.
  - i. To add language to Section 2 of the Ordinance making it retroactive to January 1, 2018.
  - ii. To approve as amended. See Resolutions & Ordinances.
- 12. An Ordinance Amending Sections 4.25 and 4.315 of Chapter 4 of the Brown County Code of Ordinances. <u>To refer to Corporation Counsel to draft a clean, stand-alone</u> Section 4.315. See Resolutions & Ordinances.
- 13. An Ordinance to Amend Subsections 2.13(4)(h) AND (i), AND (5)(a) AND (f), Of Chapter 2 of the Brown County Code of Ordinances. To approve with the changes described by Corporation Counsel. See Resolutions & Ordinances.
- 14. Internal Auditor Report:
  - a) Status Update: January 1 January 31, 2018. Receive and place on file.
- 15. Corporation Counsel's Report. Receive and place on file.
- 16. HR Turnover Reports. Receive and place on file.
- 17. HR Department Vacancies Report. Receive and place on file.
- 18. HR Health & Dental Plan Reports. Receive and place on file.
- 19. HR Approval to Issue Health Benefit Consultant RFP. To approve.
- 20. HR An Ordinance to Amend Section 4.25 (Entitled "Policy") of Chapter 4 of the Brown County Code of Ordinances. <u>To approve</u>. See Resolutions & Ordinances.
- 21. HR Director's Report. Receive and place on file.
- 22. Dept. of Admin Director of Administration's Report. Receive and place on file. County Executive's Report. *No action taken*.

A motion was made by Vice Chair Lund and seconded by Supervisor Schadewald "to adopt." Supervisor Becker requested item #3 be taken separately. Voice vote taken on the remainder of the report. Motion carried unanimously with no abstentions.

<u>Item #3 - Communication from Supervisor Becker re: Form an ad hoc committee to examine redistricting process.</u> Receive and place on file.

Following discussion amongst the Board a motion was made by Supervisor Becker and seconded by Supervisor Nicholson "to refer item #3 back to Executive Committee." Voice vote taken. In the opinion of the Chair the ayes outweighed the nays. Motion carried.

#### No. 9d -- REPORT OF HUMAN SERVICES COMMITTEE OF JANUARY 24, 2018

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS Ladies and Gentlemen:

The **Human Services Committee** met in regular session on January 24, 2018 and recommends the following:

- 1. Review Minutes of:
  - a) Aging & Disability Resource Center of Brown County Board Meeting (October 26, 2017).
  - b) Board of Health (September 26, 2017 & November 14, 2017).
  - c) Children with Disabilities Education Board (October 17, 2017).
  - d) Human Services Board (November 9, 2017 & December 14, 2017).
  - e) Mental Health Treatment Committee (October 18, 2017 & November 15, 2017).

- f) Veterans' Recognition Subcommittee (October 17, 2017 & November 21, 2017).
  - i. To suspend the rules to take Items 1a-f together.
  - ii. To receive and place on file Items 1a-f.
- 2. Communication from Supervisor Hoyer re: Request that the Health and Human Services Department provide a summary plan for the Mental Health Court Housing Assistance funds budgeted for 2018, and that the Corporation Counsel's Office work with the department to prepare resolutions for County Board consideration, if needed. To direct staff to meet with Corporation Counsel.
- 3. Communication from Supervisor Hoyer re: Pursue contracting or hiring a grant specialist to find and complete grant applications in the area of Human Services. <u>To direct staff to check into the financing and potential of hiring a grant writer in the near future.</u>
- 4. Wind Turbine Update Receive new information Standing Item.
- 5. Syble Hopp Discussion re: Adding Additional Board Members to the Brown County Children with Disabilities Education Board. <u>To direct Corporation Counsel to draft a resolution to approve adding two Board members and a liaison non-voting member.</u>
- 6. Health & Human Srvc Dept. Budget Adjustment Request (17-96): Any allocation from a department's fund balance. <u>To approve.</u>
- 7. Health & Human Srvc Dept. Budget Adjustment Request (17-101): Any increase in expenses with an offsetting increase in revenue. Receive and place on file.
- 8. Health & Human Srvc Dept. Executive Director's Report.
  - a) December 2017. Receive and place on file.
  - b) January 2018. Receive and place on file.
- 9. Health & Human Srvc Dept. Financial Report for Community Treatment Center and Community Services.
  - a) December 2017. Suspend the rules to take Items 9a and b.
  - b) January 2018. Receive and place on file Item 9a and b.
- 10. Health & Human Srvc Dept. Request for Exception to Requirement for Identification Markings on New Shelter Care (2017) and Community Services (2018) Vehicles. <u>To refer to Corporation Counsel to report here and at Executive Committee.</u>
- 11. Health & Human Srvc Dept. Statistical Reports. <u>To suspend the rules to take Items</u> 11a-d.
  - a) CTC Double Shifts Worked 11-1-17 through 12-5-17.
  - b) Monthly CTC Data Bay Haven Crisis Diversion/Nicolet Psychiatric Hospital December 2017.
  - c) Child Protection Child Abuse/Neglect Report December 2017 included within Executive Director's December 2017 Report.
  - d) Monthly Contract Update December 2017. Receive and place on file Items 11a-d.
- 12. Health & Human Srvc Dept. Request for New Non-Continuous and Contract Providers and New Provider Contract December 2017. Receive and place on file.
- 13. Health & Human Srvc Dept. Ordinance to Amend Section 4.49 (Entitled "Extra Pay") of Chapter 4 of the Brown County Code of Ordinances. <u>To approve.</u> See Resolutions & Ordinances.
- 14. Audit of bills. To acknowledge the receipt of the bills.

A motion was made by Supervisor De Wane and seconded by Supervisor Hoyer "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

### No. 9e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE OF JANUARY 22, 2018

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS Ladies and Gentlemen:

The **Planning, Development and Transportation Committee** met in regular session on January 22, 2018 and recommends the following:

- 1. Review Minutes of:
  - a. Planning Commission Board of Directors (October 4, 2017).
  - b. Solid Waste Board (September 18, 2017).
  - c. Transportation Coordinating Committee (September 11, 2017).
    - i. To suspend the rules to take Items 1a, b and c together.
    - ii. Receive and place on file Items 1a, b and c.
- 2. Register of Deeds Budget Status Financial Report for November 2017. Receive and place on file.
- 3. Planning Commission Budget Status Financial Reports for November 2017. <u>Receive and place on file Items 3, 4 and 5.</u>
- 4. Property Listing Budget Status Financial Reports for November 2017. See action at *Item 3 above.*
- 5. Zoning Budget Status Financial Reports for November 2017. See action at Item 3 above.
- 6. UW-Ext Budget Status Financial Report for November 2017. Receive and place on file.
- 7. UW-Ext Budget Adjustment Request (18-11): Any increase in expenses with an offsetting increase in revenue.
  - i. To suspend the rules and take Items 7, 8 and 9 together.
  - ii. To approve Items 7, 8 and 9.
- 8. UW-Ext Budget Adjustment Request (18-12): Any increase in expenses with an offsetting increase in revenue. See action at Item 7.
- 9. UW-Ext Budget Adjustment Request (18-20): Any increase in expenses with an offsetting increase in revenue. See action at Item 7.
- UW-Ext Resolution re: Reclassification of the LTE-Garden Blitz Coordinator Position in the UW-Extension Table of Organization, and Amending the Position Description. <u>To approve</u>. See Resolutions & Ordinances.
- 11. UW-Ext Director's Report. Receive and place on file.
- 12. Port & Resource Recovery Resolution Authorizing the Purchase and Sale of Real Estate. *This Item was removed from the agenda; no action taken.*
- 13. Port & Resource Recovery Resolution Approving Three-Year Statement of Intentions for Wisconsin Department of Transportation's Harbor Assistance Program. <u>To approve</u>. See Resolutions & Ordinances.
- 14. Port & Resource Recovery Statement of Intentions. To approve.
- 15. Port & Resource Recovery Director's Report. Receive and place on file.
- 16. Airport Update on Ground Transportation Ordinance. Receive and place on file.
- 17. Airport Budget Status Financial Report for November 2017. Receive and place on file.
- 18. Airport 12 Hour Shift Report. Receive and place on file.
- 19. Airport Departmental Opening Summary. Receive and place on file.
- 20. Airport Director's Report. Receive and place on file.

- 21. Public Works Discussion re: speed limit 2 miles north of Wrightstown before Apple Creek Bridge on Highway D. Receive and place on file.
- 22. Public Works Discussion re: that all new policy initiatives be reviewed by PD&T Committee before they are instituted. <u>To refer to staff to place the Public Works</u> Policies/Work Rules on the County website.
- 23. Public Works Discussion re: developing a snow plowing season (ex. October 15 April 1) and overtime to be paid outside of scheduled hours.
  - i. To take Items 23 & 24 together.
  - ii. To pass this to staff to be put in resolution format, including language that 2018 overtime is retroactive to January 1, 2018 and to send to Executive Committee.
  - iii. To include language that employees will not be sent home after 40 hours when there was critical revenue work for State or Municipalities.
- 24. Public Works Look into state night rovers pay. Premium pay/overtime. See action at Item 23 above.
- 25. Public Works Health Department Move & Public Works Improvements. Receive and place on file.
- 26. Public Works CTH K Speed Study. To approve.
- 27. Public Works Summary of Operations. Receive and place on file.
- 28. Public Works Director's Report. Receive and place on file.
- 29. Ordinance to Amend Section 4.49 (Entitled "Extra Pay") of Chapter 4 of the Brown County Code of Ordinances. <u>To approve</u>. See Resolutions & Ordinances.
- 30. Open Session: Motion and Recorded Vote pursuant to Wis. Stats. Sec. 19.85(1), regarding going into closed session pursuant to Wis. Stats. Sec. 19.85(1)(e), i.e. deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, in particular, deliberating and negotiating strategy and options regarding buying and selling property for landfill use. *This Item was removed from the agenda; no action taken.*
- 31. Convene into Closed Session: Pursuant to Wis. Stats. Sec. 19.85(1)(g), the Brown County PD&T Committee shall convene into closed session for purposes of deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, as competitive or bargaining reasons require a closed session here for deliberating and negotiating strategy and options regarding buying and selling property for landfill use. *This Item was removed from the agenda; no action taken.*
- 32. Reconvene into Open Session: The Brown County PD&T Committee shall reconvene into open session for possible voting and/or other action regarding buying and selling property for landfill use. *This Item was removed from the agenda; no action taken.*
- 33. Acknowledging the bills. To acknowledge receipt of the bills.

A motion was made by Supervisor Erickson and seconded by Supervisor Kaster "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

### No. 9ei-- REPORT OF SPECIAL PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE OF FEBRUARY 21, 2018

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **Planning, Development and Transportation Committee** met in regular session on February 21, 2018 and recommends the following:

 Resolution re: Public Works Rule PW-10 (Specialty Pay) with Overtime Pay Retroactive to 01-01-2018 Provision and Without Critical Revenue Provision. Motion pending Special February 21, 2018 PD&T meeting. Motion made by Supervisor Landwehr, seconded by Supervisor Dantinne to approve.

Motion made by Supervisor Landwehr, seconded by Supervisor Dantinne to approve. Vote taken. MOTION CARRIED UNANIMOUSLY.

A motion was made by Supervisor Landwehr and seconded by Superbvisor Sieber "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

### No. 9eii-- REPORT OF LAND CONSERVATION SUBCOMMITTEE OF JANUARY 22, 2018

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS Ladies and Gentlemen:

The **Land Conservation Subcommittee** met in regular session on January 22, 2018 and recommends the following:

- 1. Land Con Departmental Opening Summary. Receive and place on file.
- 2. Land Con Budget Status Financial Report for November 2017. Receive and place on file.
- 3. Land Con Director's Report.
  - a. Chapter 26 Animal Waste Management -Upcoming Revisions. <u>To hold Chapter</u> 26 Animal Waste Management until a revised copy is made to bring back at a future meeting.

A motion was made by Supervisor Dantinne and seconded by Supervisor Landwehr "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

#### No. 9f -- REPORT OF PUBLIC SAFETY COMMITTEE OF FEBRUARY 7, 2018.

TO THE MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS Ladies and Gentlemen:

The **PUBLIC SAFETY COMMITTEE** met in regular session on February 7, 2018 and recommends the following:

- 1. Review Minutes of:
  - a. Criminal Justice Coordinating Board (November 9, 2017).
  - b. Local Emergency Planning Committee LEPC (November 14, 2017 & January 9, 2018).
  - c. Traffic Safety Commission (October 10, 2017 & January 9, 2018).
    - i. To suspend the rules to take Items 1 a c together.
    - ii. Receive and place on file Items 1 a c.

- Ordinance to Amend Section 4.49 (Entitled "Extra Pay") of Chapter 4 of the Brown County Code of Ordinances. <u>To re-approve the Ordinance</u>. See Resolutions & Ordinances.
- 3. District Attorney Budget Adjustment Request (18-24): Any increase in expenses with an offsetting increase in revenue. <u>To approve</u>.
- 4. District Attorney Report. Receive and place on file.
- 5. Public Safety Communications Budget Status Financial Report for November 2017. Receive and place on file.
- 6. Public Safety Communications Director's Report. Receive and place on file.
- 7. Circuit Courts, Commissioners, Probate Budget Status Financial Reports for October & November 2017. Receive and place on file.
- 8. Circuit Courts, Commissioners, Probate Director's Report. Receive and place on file
- 9. Clerk of Courts Budget Status Financial Reports for November 2017. Receive and place on file.
- 10. Clerk of Courts Director's Report. Receive and place on file.
- 11. Emergency Mgmt. Budget Status Financial Report for November 2017. Receive and place on file.
- 12. Emergency Mgmt. Director's Report. Receive and place on file.
- 13. Medical Examiner Budget Status Financial Report for November 2017. Receive and place on file.
- 14. Medical Examiner 2018 Medical Examiner Activity Spreadsheet. Receive and place on file.
- 15. Medical Examiner January Transportation Log 2018. Receive and place on file.
- 16. Sheriff Update on Jail Addition Standing item. To proceed.
- 17. Sheriff Budget Status Financial Report for November 2017. Receive and place on file.
- 18. Sheriff Budget Adjustment Request (18-22): Any increase in expenses with an offsetting increase in revenue. <u>To approve</u>.
- 19. Sheriff Budget Adjustment Request (18-23): Any increase in expenses with an offsetting increase in revenue. <u>To approve</u>.
- 20. Sheriff Review and consider Needs Assessment Proposals for Security Screening at the Brown County Courthouse. To approve the study.
- 21. Sheriff's Report. Receive and place on file.
- 22. Communication from Supervisors Sieber/Linssen/Becker re: To include in the 2018 budget up to \$150,000 to RFP for services to find efficiencies in our criminal justice system. To hold Items 22 & 23 for one month.
- 23. Communication from Supervisors Brusky and Schadewald re: This is our request to form a Criminal Justice System Efficiency Improvement Work Group. This multi-function team would seek to identify opportunities to increase the justice system's operational efficiency and recommend specific actions to contain the growth and/or reduce the system's operating costs. See action at Item 22 above.
- 24. Communication from Supervisor Buckley re: To obtain Attorney General's opinion on when the clock starts ref to an EM-1 detention (In Custody). Also can an officer pass off his/her authority on an EM-1 (In Custody) to AOA – Law Enforcement personnel to monitor and transportation to the approved medical facility. <u>To send to Corporation</u> Counsel.
- 25. Audit of bills. To pay the bills.

A motion was made by Supervisor Clancy and seconded by Supervisor Buckley "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

#### No. 10 -- Resolutions, Ordinances:

#### **Budget Adjustments Requiring County Board Approval**

# No. 10a -- RESOLUTION APPROVING BUDGET ADJUSTMENTS TO VARIOUS DEPARTMENT BUDGETS

**WHEREAS**, the below listed departments have submitted the following adjustments to their departmental budgets that, per Wisconsin State Statutes, require approval by a 2/3 vote of the full County Board:

17-95 Parks	*2017* This budget adjustment is related Parks Department-Barkhausen's N. Impoundment land improvement project. Ducks Unlimited funded this project and contributed to Brown County. This had been previously approved in the 2016 Adopted Budget, however, the costs contributed by Ducks Unlimited were considerably greater than originally anticipated.  Amount: \$504,813
17-96 HHS-CTC	To recognize loss for remaining undepreciated value of previous Nurse Call system at CTC, which was damaged by lightning with replacement covered by insurance. Impact to budget is increase in expense and decrease of fund balance.  Amount: \$36,539
17-99 TS	2017 – A number of software licenses that are capital assets, but not fully depreciated, have expired and need to be disposed. Based upon how the assets were originally paid for, a portion of the write-off will be allocated out to all departments (\$9,109). The remainder will be absorbed within Technical Services and thus reducing capital equity (\$75,513). The total assets written off was \$84,622
	Mas ψ0+,022  Amount: \$84,622
18-11 UW-EXT	*2018* UW Extension received a grant from Wisconsin Medical Society Foundation to fund the UW-Extension Community Gardens Youth Farmers' Market program. Awarded funds will hire a coordinator to plan and teach Summer 2018 sessions and purchase supplies, travel and administrative support.
	Amount: \$4,390
18-12	*2018* UW Extension received a grant from Wisconsin Public Service Foundation for \$2,500 for
UW-EXT	the purchase of laptop computers for the 4-H STEM program.  Amount: \$2,500
18-20	UW Extension received funds from 4-H Leaders Association to fund more hours for the 4-H
UW-EXT	Program Assistant position.  Amount: \$2,000
18-22 Sheriff	This 2018 budget request is to increase grant revenue and related expenses to participate in a Homeland Security ALERT Chemical protection grant. The grant provides funds for the purpose of purchasing chemical protection suits and gas masks (air purifying respirators). There is no match required for this grant.
	Amount: \$4,800

This 2018 budget request is to increase grant revenue and related expenses to participate in a Homeland Security ALERT SWAT Command I training grant. The grant provides funds for the National Tactical Officer's Association to send instructors to Brown County to instruct the course. There is no match required for this grant.

Amount: \$14,500

2018: The District Attorney's office received TIP assessment funding in 2016 and placed in unearned revenue for future use. This budget adjustment is to place the unspent dollars into the 2018 budget.

Amount: \$3,676

and.

**WHEREAS**, these budget adjustments are necessary to ensure activities are appropriated and accounted for properly.

**NOW, THEREFORE, BE IT RESOLVED**, that the Brown County Board of Supervisors hereby approves the above listed budget adjustments.

Respectfully submitted,

ADMINISTRATION COMMITTEE
EDUCATION AND RECREATION COMMITTEE
HUMAN SERVICES COMMITTEE
PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE
PUBLIC SAFETY COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by Administration
Approved by Corporation Counsel's Office

Fiscal Note: The fiscal impact is as described in the individual budget adjustment listed above.

A motion was made by Supervisor Brusky and seconded by Supervisor Buckley "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

# ON THE FOLLOWING PAGES

#### **BUDGET ADJUSTMENT REQUEST**

Category				Approval Level
□1 Re	eallocation fro	om one account to another in	the same level of appropriation	Dept Head
□ 2 R	<ul> <li>Reallocati</li> </ul>		hat could include: y for tracking or accounting purposes t not completed in the prior year	Director of Admin
		any item within the Outlay a funds from another level of a	ccount which does not require the appropriation	County Exec
		appropriation from an officia , ordinance change, etc.)	al action taken by the County Board	County Exec
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□ 6 R€	allocation be	etween two or more departm	nents, regardless of amount	Oversight Comm 2/3 County Board
⊠7 Ar	y increase ir	n expenses with an offsetting	g increase in revenue	Oversight Community Board
□8 Ar	y allocation	from a department's fund ba	alance	Oversight Comm 2/3 County Board
□ 9 Ar	y allocation	from the County's General F	und	Oversight Comm Admin Committee 2/3 County Board
Justificat	ion for Bud	get Change:		
mprovem enhanced for migrat	ent project. and repaired ing birds and Budget, howe	Ducks Unlimited funded this d/replaced the water control to other invertebrates and ma	Department- Barkhausen's North Impour project and contributed to Brown County structures and land berms in order for us mmals. This had been previously approve y Ducks Unlimited were considerably great Budg	. The project to properly manage ed in the 2016
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72		epertment Head	Signature of DOA	or Executive
Departme	nt: Parks		Date: 12/18/	17
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#### **BUDGET ADJUSTMENT REQUEST**

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		appropriation from an official and ordinance change, etc.)	action taken by the County Board	County Exec
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□ 7 Ar	ny Increase i	n expenses with an offsetting i	increase in revenue	Oversight Comm 2/3 County Board
⊠ 8 Ar	ry allocation	from a department's fund bala	ance	دن Oversight Comm 2/3 County Board
		from the County's General Fu get Change: (2017 Bud	nd get Adjustment)	Oversight Comm Admin Committee 2/3 County Board
o recogr y lightnir	nize loss for ng with repla		e of previous Nurse Call system at CTC,	Which was damaged Total \$36,539
ncrease	Decrease	Account #	Account Title	Amount
$\boxtimes$		630.056.100.001.6190	Capital asset disposal loss	\$36,539
		630.3500	Invested in Capital Assets (Fund Balance)	\$36,539
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Revised 2/3/17

#### **BUDGET ADJUSTMENT REQUEST**

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□ 7	Any increase in	n expenses with an offsettir	ng increase in revenue	Oversight Comn 2/3 County Boar	
□8	Any allocation	from a department's fund b	valance	Oversight Comm 2/3 County Boar	
9	Any allocation	from the County's General	Fund	Oversight Committee 2/3 County Boar	10
Justif	ication for Bud	get Change:			
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Incres	se Decrease	Account #	Account Title	Amount	
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Ø		710.022.002,6190	Capital asset disposal loss	75,513	1-8-18
		710.3500	invested in capital assets (equity)	75,513	1.1
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Dapas	Date: //3/	THE DEVICE	Date: (19)()		
				Revised 2/3/	17

#### **BUDGET ADJUSTMENT REQUEST**

2/3 County Board  Oversight Comm Admin Committee 2/3 County Board  Stification for Budget Change:  O18* UW Extension received a grant from Wisconsin Medical Society Foundation to fund the UW-Extension community Gardens Youth Farmers' Market program. Awarded funds will hire a coordinator to plan and teach Summer states sessions and purchase supplies, travel and administrative support.  Budget Impact \$4,390	Category			Approval Level
Reallocation to another account strictly for tracking or accounting purposes Allocation of budgeted prior year grant not completed in the prior year  Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation  Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)  Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)  Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.  Reallocation between two or more departments, regardless of amount  Reallocation between two or more departments, regardless of amount  Any increase in expenses with an offsetting increase in revenue  Any allocation from a department's fund balance  Any allocation from a department's fund balance  Any allocation from the County's General Fund  Any allocation from the County's General Fund  Admin Committee  Oversight Comm 2/3 County Board  Developed Change:  Budget Change:  Order Strain and teach Summer  Budget Impact \$4,390  Crease  Decrease  Account # Account Title Amount  Budget Impact \$4,390  Crease  Decrease  Account # Account Title Amount  Budget Impact \$4,390  Crease Decrease  Account # Account Title Amount  Any Indication of Department Head  Department: UW Extension  Date:  Authorizations  Authorizations  Authorizations  Authorizations  Date:  Da	1 Reallocation from	one account to another in the	same level of appropriation	Dept Head
reallocation of funds from another level of appropriation    Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)   5 a) Reallocation of <u>up to 10%</u> of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)   5 b) Reallocation of <u>more than 10%</u> of the funds original appropriated between any of the levels of appropriation.   6 Reallocation between two or more departments, regardless of amount	Reallocation	to another account strictly for	r tracking or accounting purposes	Director of Admin
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Admin Committee 2/3 County Board stification for Budget Change:  018* UW Extension received a grant from Wisconsin Medical Society Foundation to fund the UW-Extension permunity Gardens Youth Farmers' Market program. Awarded funds will hire a coordinator to plan and teach Summer 18 sessions and purchase supplies, travel and administrative support.  Budget Impact \$4,390  Budget Impact \$4,390  Crease Decrease Account # Account Title Amount    100.083.001.4309 Other Grant Revenue \$4,390   100.083.001.5100 Wages \$3,790   100.083.001.5300 Supplies \$240   100.083.001.5300 Travel & Training \$140   100.083.001.5340 Travel & Training \$140   100.083.001.5601.400 Intra-county expense - Copy Center \$220   AUTHORIZATIONS   Signature of Department Head   Signature of DoA or Executive	8 Any allocation fro	m a department's fund balanc	ce	
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#### **BUDGET ADJUSTMENT REQUEST**

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□1	Reallocation from one account to another in the same level of appropriation	Dept Head
□ 2	Reallocation due to a technical correction that could include:  Reallocation to another account strictly for tracking or accounting purposes  Allocation of budgeted prior year grant not completed in the prior year	Director of Admin
□3	Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation	County Exec
□ 4	Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)	County Exec
□5	<ul> <li>Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)</li> </ul>	Admin Committee
□5	<ul> <li>Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.</li> </ul>	Oversight Comm 2/3 County Board
□6	Reallocation between two or more departments, regardless of amount	Oversight Comm 2/3 County Board
⊠ 7	Any increase in expenses with an offsetting increase in revenue	Oversight Comm 5 2/3 County Board
□ 8	Any allocation from a department's fund balance	Oversight Comm 2/3 County Board
	Any allocation from the County's General Fund	Oversight Comm Admin Committee 2/3 County Board
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#### **BUDGET ADJUSTMENT REQUEST**

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⊠7 A	ny increase in e	xpenses with an offsetting i	increase in revenue	Oversight Comm 2/3 County Board
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□9 A	ny allocation fro	m the County's General Fu	nd	Oversight Comm Admin Committee 2/3 County Board
lustifica	tion for Budge	t Change:		23 County Board
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*2018* U position.	W Extension rece	and the second second second second		rogram Assistant
2018* Uposition.	W Extension rece	ived funds from 4-H Leaders A		rogram Assistant Budget Impact \$2,000
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□3	Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation	County Exec
□ 4	Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)	County Exec
□ 5	<ul> <li>Reallocation of <u>up to 10%</u> of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)</li> </ul>	Admin Committee
□5	<ul> <li>Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.</li> </ul>	Oversight Comm 2/3 County Board
□ 6	Reallocation between two or more departments, regardless of amount	Oversight Comm 2/3 County Board
⊠7	Any increase in expenses with an offsetting increase in revenue	Oversight Comm 2/3 County Board <sup>UJ</sup>
□8	Any allocation from a department's fund balance	Oversight Comm 2/3 County Board
9	Any allocation from the County's General Fund	Oversight Comm Admin Committee
		2/3 County Board
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#### **BUDGET ADJUSTMENT REQUEST**

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Security ALERT SWAT C	ommand I training grant. 1	ue and related expenses to participate in The grant provides funds for the National instruct the course. There is no match re Bud	Tactical Officer's equired for this grant.
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	100.074.074.4301 100.074.074.5340 100.974.074.5300	Federal Grants	Amount 14,500
	100.074.074.4301 100.074.074.5340 100.974.074.5300	Federal Grants Training Supplies	Amount 14,500 13,500 1,000
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#### **BUDGET ADJUSTMENT REQUEST**

Category		Approval Level
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Reallocation due to a technical     Reallocation to another por     Allocation of budgeted prior	correction that could include: sount strictly for tracking or accounting purposes year grant not completed in the prior year	Director of Admin
☐ 3 Any change in any item within the reallocation of funds from anoth	ne Outlay account which does not require the er level of appropriation	County Exec
4 Any change in appropriation from (i.e., resolution, ordinance change)	n an official action taken by the County Board ge, etc.)	County Exec
☐ 5 a) Reallocation of up to 10% of levels of appropriation (base	the originally appropriated funds between any d on lesser of originally appropriated amounts)	Admin Committee
☐ 5 b) Reallocation of more than 19 of the levels of appropriation	0% of the funds original appropriated between any	Oversight Comm 2/3 County Board
☐ 6 Reallocation between two or mo	re departments, regardless of amount	Oversight Comm 2/3 County Board
□ 7 Any increase in expenses with a	n offsetting increase in revenue	Oversight Comm 2/3 County Board
8 Any allocation from a departmen	nt's fund balance	Oversight Comm 2/3 County Board
☐ 9 Any allocation from the County's	General Fund	Oversight Comm Admin Committee 2/3 County Board
Justification for Budget Change:  2018: The District Attorney's office rece for future use. This budget adjustment	ived TIP assessment funding in 2016 and placed in is to place the unspent dollars into the 2018 budget.	unearned revenue
Increase Decrease Accour		Amount NAS
☑ □ 100.024.001.49		\$3,676
	08 Professional Services	\$3,676
Caral	AUTHORIZATIONS O	~
Signature of Department Head	Strineture of DOX	Or Executive
Department: Historit Alturny	Date:// #/	18
Date: 1/10/17		
/ /		

Revised 2/3/17

#### **Administration Committee**

### No. 10b -- RESOLUTION TO REAUTHORIZE SELF-FUNDED WOKER'S COMPENSATION

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, Brown County is a qualified political subdivision of the State of Wisconsin; and

**WHEREAS**, the Wisconsin Workers' Compensation Act (Act) provides that employers covered by the Act either insure their liability with worker's compensation insurance carriers authorized to do business in Wisconsin, or be exempted (self-funded) from insuring liabilities with a carrier and thereby assuming the responsibility for its own worker's compensation risk and payment; and

**WHEREAS**, the State and its political subdivisions may self-fund worker's compensation without a special order from the Department of Workforce Development (Department) if they agree to report faithfully all compensable injuries and agree to comply with the Act and rules of the Department; and

**WHEREAS**, on 02-07-2018, the Brown County Board of Supervisors Administration Committee approved the continuation of its self-funded worker's compensation program, in compliance with Wisconsin Administrative Code DWD 80.60(3).

**NOW, THEREFORE, BE IT RESOLVED** that the Brown County Board of Supervisors does resolve as follows:

- (1) To provide for the continuation of its self-funded worker's compensation program that is currently in effect; and
- (2) To authorize the County Clerk to forward certified copies of this resolution to the Worker's Compensation Division, Wisconsin Department of Workforce Development.

Respectfully submitted,

ADMINISTRATION COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by: Administration/Risk Management Department

Final Draft Approved by Corporation Counsel

<u>Fiscal Note</u>: This resolution does not require an appropriation from the General Fund. This is an authorizing resolution to allow the County to continue self-funding its worker's compensation program.

A motion was made by Supervisor Sieber and seconded by Supervisor Schadewald "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

### **ATTACHMENT TO RESOLUTION #10B**

DEPARTMENT OF ADMINISTRATION

### Brown County

305 E, WALNUT STREET P.O. BOX 23600 GREEN BAY, WISCONSIN 54305-3600



Gregory A. Gerbers

PHONE (920) 448-6298 FAX (920) 448-4036 Gregory.Gerbers@co.brown.wi.us

Risk Manager

RESOLUTION/ORDINANCE	SUBMISSION TO	COUNTY BOARD

MEETING DATE: Feb REQUEST FROM: Cha Dire REQUEST TYPE: X N	FORMATION: f-insured politic	stration	Revision Revision D WORKI	to ordina	nce	ATION	
REQUEST FROM: Characteristics Characteristics REQUEST TYPE: X N   TITLE: REAUTHORIZA  ISSUE/BACKGROUND IN Every three years each sel Development with a resolut self-insure.  ACTION REQUESTED: Administration Committee in the self-insure in the self-insure in the self-insure.	ad Weininger ector of Adminis ew resolution New ordinance TION OF SELF FORMATION: f-insured politic	-FUNDEC	Revision	to ordina	nce	ATION	
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ISSUE/BACKGROUND IN Every three years each sel Development with a resolu self-insure.  ACTION REQUESTED: Administration Committee	TION OF SELF FORMATION: f-insured politics	F-FUNDE				ATION	
ISSUE/BACKGROUND IN Every three years each sel Development with a resolu self-insure.  ACTION REQUESTED: Administration Committee	FORMATION: f-insured politic		D WORK	ER'S CO	MPENS.	ATION	
Every three years each sel Development with a resolu self-insure.  ACTION REQUESTED: Administration Committee	f-insured politic	al subdivi					
Development with a resoluself-insure.  ACTION REQUESTED: Administration Committee		al subdivi	600	1999	1007 152	15 15 58W I	258
Administration Committee	lion, passed by				The second second second		
FISCAL IMPACT:	and County Boa	ard appro	val				
NOTE: This fiscal impact portion	on is initially compi	leted by red	questor, bu	t verified b	y the DO	A and updated if	
Is there a fiscal impact	? 🗆 Yes	x No					
If yes, what is the	amount of the in	mpact?	\$		_50		
If part of a bigger	project, what is	the total a	amount of	the proje	ect?	\$	
Is it currently bud	geted? x Y	es 🗆	No				
If yes, in which	h account?	Fund 7	752				29
If no, how wil		funded?					_

□ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

#### **Administration Committee and Executive Committee**

## No. 10c -- RESOLUTION IN SUPPORT OF ALTERNATE OPTIONS FOR ABSENTEE VOTING

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, beginning with the 2000 Presidential Election, the State of Wisconsin allowed any eligible elector to vote by absentee ballot, which expanded previous law that limited absentee voting to electors over 70 years old, people with disabilities, and electors that would be out-oftown on Election Day; and

**WHEREAS**, said expansion of the absentee voter law contributed to more than a 1,000% increase in the number of absentee ballots cast in Brown County over the past decade (the 2000 Presidential Election had less than 4,000 absentee ballots cast, and the 2016 Presidential Election had nearly 45,000 absentee ballots cast); and

**WHEREAS**, approximately 30,000 (75%) of absentee ballots cast for the 2016 Presidential Election were cast in person in municipal clerks' offices; and

**WHEREAS**, each year more electors choose to vote by absentee ballot due to increased media attention, political rallies, and direct mail and phone communications from candidates, political parties, and interest groups in an effort to "bank votes" prior to Election Day; and

**WHEREAS**, current absentee voting laws make it difficult for municipal clerks with large populations to efficiently manage high volumes of electors voting in their offices, and to manage and process absentee ballots prior to and on Election Day; and

WHEREAS, several municipal and county clerks have been working with legislators and the Wisconsin Elections Commission to create proposed legislation for an optional alternative Absentee Voting Efficiency Option, as laid out in 2017 Senate Bill 524 and 2017 Assembly Bill 637; and

WHEREAS, the WI Legislative Reference Bureau analysis of 2017 Senate Bill 524 and 2017 Assembly Bill 637 is identical for both Bills, and reads in part as follows:

"This bill authorizes a municipality to allow its electors to vote before election day by using an electronic voting machine to cast an in-person absentee ballot. If a municipality enacts an ordinance or adopts a resolution to implement this method, and the Elections Commission certifies that the municipality is capable of implementation, an elector may vote before election day at the municipal clerk's office by completing his or her ballot and casting the ballot using an electronic voting system. The period for this option is the same as for making applications for in-person absentee ballots: beginning no earlier than the third Monday preceding the election and ending no later than 7 p.m. on the Friday preceding the election. The votes are not tabulated before election day, but the municipal clerk publishes the daily tally of the total number of ballots cast before election day on the municipality's Internet site. The current law that applies to voting on election day with regard to election observers and assisting the disabled also applies to voting as provided under

#### the bill."

**NOW, THEREFORE, BE IT RESOLVED** that the Brown County Board of Supervisors hereby requests that WI Legislators and the Wisconsin Elections Commission adopt and implement optional alternative absentee voting legislation, identical to or substantially similar to that proposed in 2017 Senate Bill 524 and 2017 Assembly Bill 637, that sets a statewide standard for absentee ballots whether said ballots are mailed in or completed in person, prior to the November 6, 2018 election in order to address election inefficiencies, reduce costs, improve ballot management processes and procedures and to create early voting options to better serve large population municipalities and electors; and

**BE IT FURTHER RESOLVED** that the County Clerk shall forward a copy of this Resolution to the Wisconsin Governor, Wisconsin Elections Commission, State Representatives and State Senators representing the Brown County area.

Fiscal Note: This resolution does not require an appropriation from the General Fund. The cost to carry out the resolution is \$5.98 and can be covered with the department's current budget.

Respectfully submitted,

ADMINISTRATION COMMITTEE EXECUTIVE COMMITTEE

As revised by the Brown County Board of Supervisors at their meeting on 02-21-2018.

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by Corporation Counsel Final draft approved by Corporation Counsel

A motion was made by Supervisor Gruszynski and seconded by Supervisor Lefebvre "to refer back to Administration and Executive Committees." Voice vote taken. Motion failed.

County Clerk Sandy Juno answered questions from the Board regarding this resolution and the associated assembly legislation.

Following the failed motion, a motion was made by Supervisor Kaster and seconded by Supervisor Landwehr "to adopt."

Supervisor Gruszynski made a motion which was seconded by Supervisor Sieber to amend the resolution by "Striking the 6<sup>th</sup> and 7<sup>th</sup> Whereas, strike the language from 'Now Therefore, Be It Resolved- identical to or substantially similar to that proposed in 2017 Senate Bill and 2017 Assembly Bill' and add in its place 'that sets a state standard for absentee ballots, no matter mailed in or in-person ballots', to the Now Therefore, Be It Resolved."

Roll call vote taken. Roll call #10C(1):

Ayes: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Ballard, Linssen,

Clancy, Campbell, Schadewald, Lund, Becker

Nayes: Dantinne, Kaster, Van Dyck, Nicholson, Evans, Vander Leest, Buckley,

Landwehr, Brusky, Moynihan

Absent: Kneiszel

Total Ayes: 14 Total Nayes: 10 Total Absent: 1

Motion carried.

Following the approving of the proposed amendment a motion was made by Supervisor Gruszynski and seconded Supervisor Becker "to approve as amended." Roll call vote taken.

Roll call #10c(2):

Ayes: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Landwehr,

Dantinne, Brusky, Ballard, Clancy, Campbell, Schadewald, Lund, Becker

Nayes: Nicholson, Evans, Vander Leest, Buckley, Kaster, Van Dyck, Linssen, Moynihan

Absent: Kneiszel

Total Ayes: 16 Total Nayes: 8 Total Absent: 1

Motion carried.

# ON THE FOLLOWING PAGE

#### CORPORATION COUNSEL

### Brown County

305 E. WALNUT STREET P.O. BOX 23600 GREEN BAY, WISCONSIN 54305-3600



David P. Hemery

PHONE (920) 448-4006 FAX (920) 448-4003 David.Hemery@co.brown.wi.us Corporation Counsel

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 01-18-2018

REQUEST TO: Administration Committee, Executive Committee and County Board

MEETING DATE: 02-07-2018, 02-12-2018, and 02-21-2018, respectively

REQUEST FROM: David Hemery, Corporation Counsel

per the request of County Clerk Juno

REQUEST TYPE: X New resolution □Revision to resolution

□New ordinance □Revision to ordinance

TITLE: Resolution in Support of Alternate Options for Absentee Voting

#### ISSUE/BACKGROUND INFORMATION:

Need to add Absentee Voting options to address significant increase in absentee voters

#### ACTION REQUESTED:

Pass Resolution

#### FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

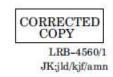
- Is there a fiscal impact? X Yes □No
  - a. If yes, what is the amount of the impact? \$5.98
  - b. If part of a bigger project, what is the total amount of the project?
  - c. Is it currently budgeted? X Yes □No
    - 1. If yes, in which account? Postage
    - 2. If no, how will the impact be funded?

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#### X COPY OF RESOLUTION OR ORDINANCE IS ATTACHED



#### State of Wisconsin 2017 - 2018 LEGISLATURE



#### 2017 SENATE BILL 524

November 8, 2017 - Introduced by Senators Craig, L. Taylor, Stroebel and Carpenter, cosponsored by Representatives Brandtjen, Bernier, Allen, R. Brooks, Knodl, Kulp, Steffen, Tusler and Kooyenga. Referred to Committee on Elections and Utilities.

- 1 AN ACT to renumber and amend 5.84 (1); and to create 5.84 (1) (b), 5.91 (19)
- 2 and subchapter VI of chapter 6 [precedes 6.981] of the statutes; relating to:
- 3 using an electronic voting machine to cast a vote with an in-person absentee
- 4 ballot.

#### Analysis by the Legislative Reference Bureau

This bill authorizes a municipality to allow its electors to vote before election day by using an electronic voting machine to cast an in-person absentee ballot. If a municipality enacts an ordinance or adopts a resolution to implement this method, and the Elections Commission certifies that the municipality is capable of implementation, an elector may vote before election day at the municipal clerk's office by completing his or her ballot and casting the ballot using an electronic voting system. The period for this option is the same as for making applications for in-person absentee ballots: beginning no earlier than the third Monday preceding the election and ending no later than 7 p.m. on the Friday preceding the election. The votes are not tabulated before election day, but the municipal clerk publishes the daily tally of the total number of ballots cast before election day on the municipality's Internet site. The current law that applies to voting on election day with regard to election observers and assisting the disabled also applies to voting as provided under the bill.

The bill also requires the Elections Commission to certify electronic voting systems that include a report function capable of reporting write-in votes by scanning the ballots and electronically capturing the write-in votes.

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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 5.84 (1) of the statutes is renumbered 5.84 (1) (a) and amended to read:

5.84 (1) (a) Where Except as provided in par. (b), where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location, the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be utilized, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

1	SECTION 2. 5.84 (1) (b) of the statutes is created to read:
2	5.84 (1) (b) For a municipality that authorizes the absentee voting efficiency
3	option under subch. VI of ch. 6, the municipal clerk shall have the automatic
4	tabulating equipment tested, as provided under par. (a), on any day not more than
5	10 days prior to the first day on which such voting is available in the municipality
6	pursuant to s. 6.981.
7	Section 3. 5.91 (19) of the statutes is created to read:
8	5.91(19) For certifications made under this section on or after the effective date
9	of this subsection [LRB inserts date], if the device consists of an electronic voting
10	machine, it includes a report function that is capable of reporting write-in votes by
11	scanning the ballots and electronically capturing the write-in votes. If a device
12	certified before the effective date of this subsection [LRB inserts date], consists
13	of an electronic voting machine with such a report function, an election official may
14	use that function to count write-in votes, as provided in s. 7.50 (2) (d) to (j), after the
15	commission has tested the function.
16	Section 4. Subchapter VI of chapter 6 [precedes 6.981] of the statutes is
17	created to read:
18	CHAPTER 6
19	SUBCHAPTER VI
20	ABSENTEE VOTING EFFICIENCY OPTION
21	6.981 Efficiency option. (1) (a) The municipal clerk shall complete the
22	application as provided under s. 6.87 (1) and allow an elector to cast a ballot prior to
23	election day by casting a ballot into an electronic voting system as provided under
24	s. 6.80 at the municipal clerk's office, if the governing body of the municipality has
25	enacted an ordinance or adopted a resolution to allow such voting and the

commission has certified the municipality under s. 6.982 (9) (a) to conduct such
voting. An elector may vote under this subchapter no earlier than the opening of
business on the 3rd Monday preceding the election and no later than 7 p.m. on th
Friday preceding the election. The clerk's office, or a site designated under s. 6.855
may be open for voting under this subchapter Monday to Friday between the hour
of 8 a.m. and 7 p.m. each day, but no voting is allowed under this subchapter on a legs
holiday. A municipality shall specify the hours for voting in the notice under s. 10.0
(2) (e).
(b) After the governing body of the municipality has enacted an ordinance of
adopted a resolution to allow the voting procedure under par. (a), the municipality
shall use that procedure for all subsequent elections until such time that th
governing body enacts an ordinance or adopts a resolution repealing the use of th
procedure. The municipal clerk or deputy municipal clerk shall supervise the voting
procedure under par. (a).
(c) This subchapter does not preclude the clerk from using absentee envelope

when the clerk determines that such use is necessary.

6.982 Administration. (1) (a) Votes cast under s. 6.981 may not be tabulated until the closing of the polls on election day, but the municipal clerk shall publish on the municipality's Internet site a daily tally of the total number of ballots cast under s. 6.981 in the municipality. No person may otherwise view, print, provide, or release any results from ballots cast under s. 6.981 until the close of the polls on election day.

(b) An elector who casts a ballot under s. 6.981 that is accepted by automatic tabulating equipment may not request that the ballot be returned to him or her as defective in order to cast a new ballot, as provided under s. 6.80 (2) (c).

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- (c) The clerk shall reconcile the ballots cast each day to ensure that the number of ballots cast equals the number issued. If the clerk is unable to reconcile the ballots, the reconciliation shall be completed as provided under s. 7.51 (2).
- (2) The county or municipal clerk or any other authorized person shall program memory devices for automatic tabulating equipment used by municipalities that authorize voting under s. 6.981 no later than 21 days prior to election day and the municipalities shall acquire a sufficient number of memory devices to facilitate the administration of a primary, the canvass following the primary, and the subsequent election and canvass.
- (3) Automatic tabulating equipment used for purposes of this subchapter shall be secured with a tamper-evident seal and the municipal clerk shall check the seals for tampering at the beginning and ending of each day designated for voting under s. 6.981. The clerk shall daily document all checks performed under this subsection.
- (4) For purposes of s. 6.981, the municipal clerk shall issue ballots using the voter registration and voter information systems established and maintained by the elections commission in the same manner that the systems are used to issue and track absentee ballots. The commission shall program the system so that ballots issued for purposes of this subchapter are tracked by sequentially numbering the absentee ballot certification and request log.
- (5) (a) Except as provided in par. (b), an elector shall sign an absentee ballot certification request log for purposes of this subchapter. The municipal clerk shall have the elector provide an electronic or a handwritten signature, but if the clerk allows the use of electronic signatures, the clerk shall not generate a final absentee ballot log until after the last day designated for voting under s. 6.981.

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- (b) The municipal clerk may have an elector sign an electronic poll book using an electronic signature as an alternative to signing an absentee ballot certification request log under par. (a).
- (6) (a) Except as provided in par. (c), the municipal clerk shall seal together all ballots cast in the municipality under s. 6.981 each day in a numbered and tamper-evident security seal ballot bag and document all such action and numbers. All such ballot bags shall remain in the clerk's possession, sealed and secured by the municipal clerk, until such time that they are needed for audit, recount, or storage.
- (b) If the municipal clerk is required to report vote totals by ward, but the votes in multiple wards are processed through a single memory device and tabulator, the clerk shall not sort the ballots into wards before placing them into the bag described under par. (a).
- (7) Section 7.41, regarding the public's right to access the polling place and s. 6.82, regarding assisting electors, apply to voting conducted under s. 6.981.
- (8) If an elector makes a challenge for cause in person, as provided under s. 6.925, with regard to any person offering to vote under this subchapter, the clerk shall place the ballot in an absentee ballot envelope and send the envelope to the polling place to be challenged under s. 6.93.
- (9) (a) The commission shall establish procedures for certifying municipalities to conduct voting under s. 6.981. The commission shall certify a municipality to conduct voting under s. 6.981 if it determines that the municipality is capable of adequately securing all equipment and ballots consistent with this subchapter and of satisfying all other requirements set forth in this subchapter.
- (b) The commission shall establish procedures for the administration of this subchapter, including procedures to facilitate the secure transfer of memory devices

#### SENATE BILL 524

- 1 from their use for voting under s. 6.981 to their use in tabulating the votes on election
- 2 day.

3 (END)



#### State of Misconsin 2017 - 2018 LEGISLATURE

LRB-1890/1 JK;jld/kjf/amn

#### 2017 ASSEMBLY BILL 637

November 14, 2017 - Introduced by Representatives Brandtjen, Bernier, Allen, R. Brooks, Knodl, Kulp, Steffen, Tusler and Kooyenga, cosponsored by Senators Craig, Carpenter and Stroebel. Referred to Committee on Campaigns and Elections.

- AN ACT to renumber and amend 5.84 (1); and to create 5.84 (1) (b), 5.91 (19)
- 2 and subchapter VI of chapter 6 [precedes 6.981] of the statutes; relating to:
- 3 using an electronic voting machine to cast a vote with an in-person absentee
- 4 ballot.

#### Analysis by the Legislative Reference Bureau

This bill authorizes a municipality to allow its electors to vote before election day by using an electronic voting machine to cast an in-person absentee ballot. If a municipality enacts an ordinance or adopts a resolution to implement this method, and the Elections Commission certifies that the municipality is capable of implementation, an elector may vote before election day at the municipal clerk's office by completing his or her ballot and casting the ballot using an electronic voting system. The period for this option is the same as for making applications for in-person absentee ballots: beginning no earlier than the third Monday preceding the election and ending no later than 7 p.m. on the Friday preceding the election. The votes are not tabulated before election day, but the municipal clerk publishes the daily tally of the total number of ballots cast before election day on the municipality's Internet site. The current law that applies to voting on election day with regard to election observers and assisting the disabled also applies to voting as provided under the bill.

The bill also requires the Elections Commission to certify electronic voting systems that include a report function capable of reporting write-in votes by scanning the ballots and electronically capturing the write-in votes.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Section 1. 5.84 (1) of the statutes is renumbered 5.84 (1) (a) and amended to read:

5.84 (1) (a) Where Except as provided in par. (b), where any municipality employs an electronic voting system which utilizes automatic tabulating equipment, either at the polling place or at a central counting location, the municipal clerk shall, on any day not more than 10 days prior to the election day on which the equipment is to be utilized, have the equipment tested to ascertain that it will correctly count the votes cast for all offices and on all measures. Public notice of the time and place of the test shall be given by the clerk at least 48 hours prior to the test by publication of a class 1 notice under ch. 985 in one or more newspapers published within the municipality if a newspaper is published therein, otherwise in a newspaper of general circulation therein. The test shall be open to the public. The test shall be conducted by processing a preaudited group of ballots so marked as to record a predetermined number of valid votes for each candidate and on each referendum. The test shall include for each office one or more ballots which have votes in excess of the number allowed by law and, for a partisan primary election, one or more ballots which have votes cast for candidates of more than one recognized political party, in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the municipal clerk shall ascertain the cause and correct the error. The clerk shall make an errorless count before the automatic tabulating equipment is approved by the clerk for use in the election.

1	Section 2. 5.84 (1) (b) of the statutes is created to read:
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3	option under subch. VI of ch. 6, the municipal clerk shall have the automatic
4	tabulating equipment tested, as provided under par. (a), on any day not more than
5	10 days prior to the first day on which such voting is available in the municipality
6	pursuant to s. 6.981.
7	Section 3. 5.91 (19) of the statutes is created to read:
8	5.91 (19) For certifications made under this section on or after the effective date
9	of this subsection [LRB inserts date], if the device consists of an electronic voting
10	machine, it includes a report function that is capable of reporting write-in votes by
11	scanning the ballots and electronically capturing the write-in votes. If a device
12	certified before the effective date of this subsection [LRB inserts date], consists
13	of an electronic voting machine with such a report function, an election official may
14	use that function to count write-in votes, as provided in s. 7.50 (2) (d) to (j), after the
15	commission has tested the function.
16	Section 4. Subchapter VI of chapter 6 [precedes 6.981] of the statutes is
17	created to read:
18	CHAPTER 6
19	SUBCHAPTER VI
20	ABSENTEE VOTING EFFICIENCY OPTION
21	6.981 Efficiency option. (1) (a) The municipal clerk shall complete the
22	application as provided under s. 6.87 (1) and allow an elector to cast a ballot prior to
23	election day by casting a ballot into an electronic voting system as provided under
24	s. 6.80 at the municipal clerk's office, if the governing body of the municipality has
25	enacted an ordinance or adopted a resolution to allow such voting and the

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- commission has certified the municipality under s. 6.982 (9) (a) to conduct such voting. An elector may vote under this subchapter no earlier than the opening of business on the 3rd Monday preceding the election and no later than 7 p.m. on the Friday preceding the election. The clerk's office, or a site designated under s. 6.855, may be open for voting under this subchapter Monday to Friday between the hours of 8 a.m. and 7 p.m. each day, but no voting is allowed under this subchapter on a legal holiday. A municipality shall specify the hours for voting in the notice under s. 10.01 (2) (e).
- (b) After the governing body of the municipality has enacted an ordinance or adopted a resolution to allow the voting procedure under par. (a), the municipality shall use that procedure for all subsequent elections until such time that the governing body enacts an ordinance or adopts a resolution repealing the use of the procedure. The municipal clerk or deputy municipal clerk shall supervise the voting procedure under par. (a).
- (c) This subchapter does not preclude the clerk from using absentee envelopes when the clerk determines that such use is necessary.
- 6.982 Administration. (1) (a) Votes cast under s. 6.981 may not be tabulated until the closing of the polls on election day, but the municipal clerk shall publish on the municipality's Internet site a daily tally of the total number of ballots cast under s. 6.981 in the municipality. No person may otherwise view, print, provide, or release any results from ballots cast under s. 6.981 until the close of the polls on election day.
- (b) An elector who casts a ballot under s. 6.981 that is accepted by automatic tabulating equipment may not request that the ballot be returned to him or her as defective in order to cast a new ballot, as provided under s. 6.80 (2) (c).

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- (c) The clerk shall reconcile the ballots cast each day to ensure that the number of ballots cast equals the number issued. If the clerk is unable to reconcile the ballots, the reconciliation shall be completed as provided under s. 7.51 (2). (2) The county or municipal clerk or any other authorized person shall program memory devices for automatic tabulating equipment used by municipalities that authorize voting under s. 6.981 no later than 21 days prior to election day and the municipalities shall acquire a sufficient number of memory devices to facilitate the administration of a primary, the canvass following the primary, and the subsequent election and canvass. (3) Automatic tabulating equipment used for purposes of this subchapter shall be secured with a tamper-evident seal and the municipal clerk shall check the seals for tampering at the beginning and ending of each day designated for voting under s. 6.981. The clerk shall daily document all checks performed under this subsection. (4) For purposes of s. 6.981, the municipal clerk shall issue ballots using the voter registration and voter information systems established and maintained by the elections commission in the same manner that the systems are used to issue and track absentee ballots. The commission shall program the system so that ballots issued for purposes of this subchapter are tracked by sequentially numbering the absentee ballot certification and request log.
  - (5) (a) Except as provided in par. (b), an elector shall sign an absentee ballot certification request log for purposes of this subchapter. The municipal clerk shall have the elector provide an electronic or a handwritten signature, but if the clerk allows the use of electronic signatures, the clerk shall not generate a final absentee ballot log until after the last day designated for voting under s. 6.981.

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- (b) The municipal clerk may have an elector sign an electronic poll book using an electronic signature as an alternative to signing an absentee ballot certification request log under par. (a).
- (6) (a) Except as provided in par. (c), the municipal clerk shall seal together all ballots cast in the municipality under s. 6.981 each day in a numbered and tamper-evident security seal ballot bag and document all such action and numbers. All such ballot bags shall remain in the clerk's possession, sealed and secured by the municipal clerk, until such time that they are needed for audit, recount, or storage.
- (b) If the municipal clerk is required to report vote totals by ward, but the votes in multiple wards are processed through a single memory device and tabulator, the clerk shall not sort the ballots into wards before placing them into the bag described under par. (a).
- (7) Section 7.41, regarding the public's right to access the polling place and s. 6.82, regarding assisting electors, apply to voting conducted under s. 6.981.
- (8) If an elector makes a challenge for cause in person, as provided under s. 6.925, with regard to any person offering to vote under this subchapter, the clerk shall place the ballot in an absentee ballot envelope and send the envelope to the polling place to be challenged under s. 6.93.
- (9) (a) The commission shall establish procedures for certifying municipalities to conduct voting under s. 6.981. The commission shall certify a municipality to conduct voting under s. 6.981 if it determines that the municipality is capable of adequately securing all equipment and ballots consistent with this subchapter and of satisfying all other requirements set forth in this subchapter.
- (b) The commission shall establish procedures for the administration of this subchapter, including procedures to facilitate the secure transfer of memory devices

- 1 from their use for voting under s. 6.981 to their use in tabulating the votes on election
- 2 day.

3 (END)

Administration Committee, Education & Recreation Committee, Executive Committee, Human Services Committee, Public Safety Committee and Planning, Development & Transportation Committee

### No. 10d -- AN ORDINANCE TO AMEND SECTION 4.49 (ENTITLED 'EXTRA PAY') OF CHAPTER 4 OF THE BROWN COUNTY CODE OF ORDINANCES

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

<u>Section 1</u> - Section 4.49 of Chapter 4 of the Brown County Code of Ordinances is hereby amended as follows:

#### 4.49 EXTRAPAY.

- (1) <u>Shift Differentials.</u> Regular part-time and full-time non-exempt employees in positions that are scheduled to work on multiple shifts <u>will may</u> receive additional pay for working 2nd or 3rd shifts <u>in accordance with Human Resources approved Departmental policy</u>. Shift differentials for other departments depend on the job classification of the employee and will be paid in accordance with an approved County or policy.
- (2) <u>Stand-By Pay.</u> Employees who are assigned stand-by duty may receive compensation for each week assigned to stand-by duty, in accordance with Human Resources approved Departmental policy-upon approval of the Department Head. This will be the sole compensation for this stand-by duty, even when such duty would otherwise be out of the employee's usual schedule or classification.
- (3) <u>Compensation During Temporary Assignment.</u> A temporary assignment is an assignment for a minimum of ninety (90) days or more, which requires approval by the Human Resources <u>Manager Director</u> and notification to the County Executive. The Human Resources <u>Manager Director</u> will recommend <u>determine</u> the appropriate rate of pay for the temporary assignment. A temporary assignment may not continue beyond six (6) months without approval from the Human Resources <u>Manager Director</u>.
- (4) <u>Increased Pay for Work of another Classification.</u> In certain cases an <u>An</u> employee is eligible to <u>may</u> receive increased compensation while performing the work of another classification in accordance with Human Resources approved Departmental policy:
- (a) Foreman or leader worker duties: If employees assume these duties and work at least one (1) full day at that foreman or lead worker level, then said employees may receive increased pay in accordance with Human Resources approved Departmental policy.
- (b) Training Officer Pay: Perform Employees who conduct on the job training and evaluations of newly hired employees may receive increased pay in accordance with Human Resources approved Departmental policy. (Telecommunicator and Correctional Officer)
- (5) Incentive/Premium Pay. Employees may be eligible for additional compensation based on operational needs in accordance with Human Resources approved Departmental policy. Incentive/Premium Pay may include such things as follows: 1) Incentive pay for volunteering to work in times of staff shortages; 2) Holiday incentive pay for working hours in excess of scheduled hours of work; and 3) incentive pay for working during

#### "Special (non-standard) Events."

<u>Section 2</u> - This Ordinance Amendment and Creation shall become effective upon passage and publication pursuant to law.

<u>Section 3</u> - Any Human Resources approved Departmental Policy pursuant to this Ordinance that is in effect on or before 04-01-2018 shall be applied retroactively to 01-01-2018.

Fiscal Impact: This ordinance does not require an appropriation from the General Fund. Incentive/Premium Pay may not exceed what is budgeted without further County Board approval.

Respectfully submitted,

ADMINISTRATION, EXECUTIVE, EDUCATION AND RECREATION, HUMAN SERVICES, PLANNING, DEVELOPMENT AND TRANSPORTATION AND PUBLIC SAFETY COMMITTEES, AND LAND CONSERVATION SUB-COMMITTEE

#### Approved By:

/s/ Troy Streckenbach	2/28/2018
COUNTY EXECUTIVE	(Date)
/s/ Sandra L. Juno	2/26/2018
COUNTY CLERK	(Date)
/s/ Patrick W. Moynihan, Jr	2/27/2018
COUNTY BOARD CHAIR	(Date)

Authored by: Human Resources

Reviewed, Edited and Approved by Corporation Counsel

As revised by the Brown County Board of Supervisors at their Meeting on 02-21-2018.

A motion was made by Supervisor Erickson and seconded by Supervisor Lefebvre "to adopt".

Following a motion was made by Supervisor Schadewald and seconded by Supervisor Hoyer "to amend Item 10(d) by adding a new Section 3 which reads 'Any Human Resources approved departmental policies pursuant to this ordinance that are in effect on or before 04-01-2018 will be retroactive to 01-01-2018'." Voice vote taken on the amendment. Motion carried unanimously with no abstentions.

A motion was then made by Supervisor Schadewald seconded by Vice Chair Lund "to approve as amended." Voice vote taken. Motion carried unanimously with no abstentions.

## ATTACHMENT TO RESOLUTION #10D ON THE FOLLOWING PAGE

#### **HUMAN RESOURCES DEPARTMENT**

### Brown County

305 E. WALNUT STREET P. O. BOX 23600 GREEN BAY, WI 54305-3600



PHONE (920) 448-4071 FAX (920) 448-6277 WEB: www.co.brown.wi.us

HUMAN RESOURCES DIRECTOR

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE:	January 2, 2018				
REQUEST TO:	Administration Committee; Executive Committee; Education and Recreation Committee; Human Services Committee; Land Conservation Subcommittee; Planning, Development & Transportation Committee; Public Safety Committee and County Board				
MEETING DATE:	1/10/18, 2/12/18, 1/25/18, 1/24/18, 1/22/18, 1/22/18, 1/3/18, and 2/21/18, respectively				
REQUEST FROM:	Kathryn Roellich Human Resources Director				
REQUEST TYPE:	□ New resolution       □ Revision to resolution         □ New ordinance       ⋈ Revision to ordinance				
	nce Amending Subsection 4.49 of Chapter 4 of the Brown County Code of s Entitled "Extra Pay"				
assignments, for work					
Is there a fiscal ir     a. If yes, what is     b. If part of a bic     c. Is it currently     1. If yes, ir	to portion is initially completed by requestor, but verified by the DOA and updated if necessary mpact?   Yes  No is the amount of the impact?  To be determined  igger project, what is the total amount of the project?   y budgeted?  Yes  No  n which account?  This will be paid from the 2% set-aside				
	LUTION OR ORDINANCE IS ATTACHED				
M COPT OF RESUL	UTION OR ORDINANCE IS ATTACHED				

# No. 10e -- AN ORDINANCE TO AMEND SECTION 4.49 (ENTITLED 'EXTRA PAY') OF CHAPTER 4 OF THE BROWN COUNTY CODE OF ORDINANCES WITH RETROACTIVE PROVISION AS PER EXECUTIVE COMMITTEE

A motion was made by Supervisor De Wane and seconded by Supervisor Erickson "to receive and place on file." Voice vote taken. Motion carried unanimously with no abstentions.

#### **Education & Recreation Committee**

#### No. 10f -- RESOLUTION TO CONSENT TO EASMENT OF THE MOUNTAIN BAY TRAIL

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, Brown County ("County") is the holder of a Trail Management Easement interest regarding the Mountain Bay State Trail ("Trail"). In particular, said easement interest affords the Brown County Parks Department ("Trail Manager") to construct, develop, maintain and operate the Trail; and

WHEREAS, in accordance with said Trail Management Easement, as well as other documents relating thereto, the County is required to consent to any additional easements/access permits granted by the owner of the Trail, i.e., the Wisconsin Department of Natural Resources ("DNR"), as more fully described in the Underground Electric Line Easement ("Easement") attached hereto and incorporated herein by reference, provided that the Trail Manager, who has final authority over issues relating to the management of the trail corridor, is notified and consulted with in advance; and

WHEREAS, upon due notification to and consultation with the Trail Manager, the DNR, as Grantor, now desires to enter into said Easement with the Wisconsin Public Service Corporation, as Grantee, to allow Grantee to install, operate and maintain an underground electrical line and underground gas pipeline along the Trail, in a manner more fully described therein; and

WHEREAS, pursuant to said Easement, Grantee is required, among various other obligations and duties, to submit a construction plan for the Easement to the Trail Manager, and Grantee may not act on said construction plan unless and until written approval of said plan is received from the Trail Manager, and all necessary permits, approvals, and licenses are obtained. In addition, Grantee must comply with all applicable federal, state, and local laws, rules and regulations regarding exercising any and all rights granted by said Easement.

**NOW, THERFORE, BE IT RESOLVED** that the Brown County Board of Supervisors hereby authorizes the Brown County Executive to execute the *Consent to Easement* portion of said Easement (found on Page 9), allowing for said Easement to be granted by the DNR, Grantor, to the Wisconsin Public Service Corporation, Grantee.

Respectfully submitted,

EDUCATION & RECREATION COMMITTEE

٩p	proved By	y:	<u>/s/ Troy</u>	Streckenbach	Date:	02/28/201

Authored by Parks Department Final Draft Approved by Corporation Counsel

*Fiscal Note*: This resolution does not require an appropriation from the General Fund.

A motion was made by Supervisor Ballard and seconded by Supervisor Van Dyck "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

# ATTACHMENTS TO RESOLUTION #10F ON THE FOLLOWING PAGES



PO BOX 23600 GREEN BAY WI 54305 MATTHEW M. KRIESE PARKS DIRECTOR

PHONE (920) 448-4464 FAX (920)448-4054 E-MAIL KRIESE\_MM@CO.BROWN.WI.US

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE:	01-09-2018			
REQUEST T	EDUCATION AND RECREATION			
MEETING D	E: 01-25-2018			
REQUEST F	M: Matt Kriese			
REQUEST T	E: x New resolution			
TITLE: R	OLUTION TO CONSENT TO EASEMENT ON THE MOUNTAIN BAY TRAIL			
ISSUE/BACK	ROUND INFORMATION:			
Management generate. Th ACTION REC	the owner of the Mountain Bay Trail corridor, and the County holds a Trail issement. The WI DNR needs Brown County to consent to any easements that they Irail easement will not adversely affect Brown County's interest in any way.  ESTED:  ove this consent to easement			
FISCAL IMP	T: pact portion is initially completed by requestor, but verified by the DOA and updated if necessary.			
	a fiscal impact?   Yes   No  f yes, what is the amount of the impact?\$  f part of a bigger project, what is the total amount of the project?  S			
C.	Is it currently budgeted?   Yes  No  If yes, in which account?			
	2. If no, how will the impact be funded?			

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**X COPY OF RESOLUTION OR ORDINANCE IS ATTACHED** 

Document Number

Document Title

State of Wisconsin
Department of Natural Resources
Box 7921
Madison, WI 53707

#### UNDERGROUND ELECTRIC LINE EASEMENT

Wis. Stat. s. 23.09(10) and 27.01(2)(g) Form 2200-15

THIS EASEMENT made by and between the State of Wisconsin, Department of Natural Resources (hereinafter referred to as the "Grantor") and Wisconsin Public Service Corporation, a Wisconsin Corporation (hereinafter referred to as the "Grantee").

#### RECITALS

WHEREAS, Grantor is the owner of the former Chicago & Northwestern Transportation Company corridor known today as the "Mountain Bay State Trail" (hereinafter referred to interchangeably as either the "trail" or "Premises");

WHEREAS, Grantee desires a permanent easement upon, within and beneath Grantor's trail (hereinafter referred to as "Easement Area") for the purpose of boring, installing, operating, maintaining and repairing an underground electrical line and underground gas pipeline as described herein:

Recording Area

Return: Department of Natural Resources
Bureau of Facilities & Lands – LF/6
P.O. Box 7921
Madison, WI 53707-7921
Atm: Closing Officer (CE-9687)

Parcel Identification Number (PIN):

DT-422

WHEREAS, the location of the Easement Area on Grantor's Premises in Brown County, Wisconsin, is as shown on the attached Exhibit "A" and made a part of herein, being a strip of land described as follows:

#### Township 25 North, Range 19 East, Pittsfield Township

Section 23: All that part of SW ¼ of the SE ¼ lying 6 feet on each side (12.00 feet total width) of the easement reference line described as:

Commencing at the South ¼ corner of said Section 23; thence N86°16'28"E, 682.82 feet on the south line of said SE ¼; thence N03°44'32"W, 8.56 feet to the POINT OF BEGINNING on the Southwesterly right of way of the Mountain Bay Recreational Trail and said easement reference line; thence continuing N03°44'32"W, 31.90 feet on the said easement reference line to the Point of Termination. The sidelines of said 12.00 foot wide easement extend and shorten to intersect with the southwesterly line of the grantors property.

NOW, THEREFORE, the undersigned Grantor does hereby grant and convey to the Grantee, its successors and assigns, for good and valuable consideration, a non-exclusive Easement right-of-way under, across, and through that part of the Grantor's Premises described herein for the purpose of clearing the Easement Area of trees and brush, then laying, installing, constructing, maintaining, operating, inspecting, replacing, protecting, testing, patrolling, repairing, reconstructing, removing or abandoning one utility pole, one 2 inch schedule 40 PVC conduit containing a total of one #1AL JKT 24.9 kV primary wire, one bell hole, and one 1 inch PE 60 psi natural gas pipeline (hereinafter referred to as the "underground utility lines"), together with all appurtenant equipment as deemed necessary by Grantee for the transmission and distribution of electrical energy.

It is understood by the Grantor and the Grantee that this grant of non-exclusive Easement is subject to the following conditions:

1. The Grantor and the Grantee confirm and agree that the recitals set forth above are true and correct and

incorporate the same herein for all purposes.

- 2. Brown County is the owner and holder of a Trail Management Easement on the Premises for the construction, development, maintenance and operation of the trail by the Brown County Parks Department (hereinafter referred to as the "Trail Manager"). When notification is required herein the Trail Manager, in lieu of the Grantor, shall be the point of contact regarding the underground utility lines as the Trail Manager has control and authority over issues relating to the management of the trail.
- 3. The Grantor grants and conveys to the Grantee a non-exclusive Easement for the installation, construction, operation, maintenance, removal and replacement of the underground utility lines within the Easement Area. Any additional lines, conduits, structures, or replacements greater than described herein, will require written approval of the Grantor and may require the Grantee to re-apply for a new, separate easement as determined by the Grantor.
- 4. The underground utility lines shall be installed by directional boring under the trail. The underground utility lines shall be installed with a vertical distance of at least 6 feet from the top of the finished trail surface to the top of the conduit or a vertical distance of at least 5 feet 6 inches below the top surface of the ballast to the top of the conduit, and the conduit shall extend a minimum of 13 feet from the centerline of the trail surface within the Premises. The Grantee shall insure the conformance of the use of the Easement with the National Electric Safety Code and American Railway Engineering and Maintenance-of-Way Association (AREMA) published standards, practices, procedures, and clearances for railroads.
- 5. This Easement is limited to the Grantee and is not transferrable to a third party, except after written notification to Grantor. The Grantee will not have the right to allow additional co-location by a third party without written consent from the Grantor and amendment to this Easement.
- 6. The Easement shall be non-exclusive and the Grantor may use the Premises and shall have the right to lease or convey other Easements to one or more other person(s), company(ies) or other entity(ies); provided that any such subsequent use, lease or conveyance shall not interfere with the Grantee's rights, including causing violations of national or state electrical codes.
- 7. The Grantee shall submit a written notification of project commencement to the Trail Manager at least 5 business days prior to initiation of any tree and brush clearing, installation, construction, maintenance or replacement work on or within the Easement Area. Other than the initial construction, in the event that the Grantee's planned commencement of project activities conflicts with the Grantor's or Trail Manager's use of the Premises, the Grantor or Trail Manager shall notify the Grantee of conflict and the Grantor or Trail Manager and Grantee shall agree on an alternative date to begin the project. If an emergency situation arises from the underground utility lines within the Easement Area requiring immediate action by the Grantee, the Grantee shall take immediate action, then promptly notify the Trail Manager that an emergency exists and that the Grantee is proceeding to correct the emergency situation.
- 8. The Grantor grants to the Grantee the right to enter upon the Grantor's property outside of the Easement Area for the purpose of gaining access to the Easement Area for the purpose of tree and brush clearing, installing, constructing, operating, maintaining, testing, patrolling, replacing, removing or abandoning the underground utility lines and to do any and all other such work as the Grantee deems reasonably necessary in accordance with the rights granted it under this Easement.
- The Grantee may clear, cut, trim and remove any brush, trees, logs, stumps or branches from the Easement Area for installation, construction, maintenance, operation, repair and replacement of the

underground utility lines which by reason of their proximity or condition may endanger or interfere with the underground utility lines. Any such undertakings shall be done with the prior notification to the Trail Manager by the Grantee and under the supervision of the Trail Manager. Accepted arborist pruning/removal and equipment practices must be adhered to and all waste debris, stumps and slash must be removed and disposed of by the Grantee in a manner acceptable to the Trail Manager. When the removal of a tree is undertaken by the Grantee, stumps shall be cut flush with the ground or be removed and disposed of in a manner acceptable to the Trail Manager. All trees having a commercial value, including firewood, shall be cut in standard 100 inch lengths and piled conveniently by the Grantee, for disposal, by sale or otherwise, by the Trail Manager.

- 10. All signage placed by the Grantee for purposes of project activities shall have prior approval from the Trail Manager, which approval shall not be unreasonably withheld, delayed or denied, except the Grantee may install markers in locations described hereinabove with the prior notification of the Trail Manager and in accordance with standard utility practice.
- 11. The Grantee shall maintain the Easement Area in a decent, sanitary, and safe condition during construction, installation, maintenance and replacement, and at no time shall the Grantee allow its work to cause a hazard or unsafe conditions on the Premises.
- 12. The Grantee is responsible for determining the location of any existing utilities within the Easement Area. The Grantee shall be responsible for any and all damages, costs or liabilities caused by the Grantee that result from any damage to any existing utilities within the Easement Area.
- 13. The Grantee shall obtain all necessary permits, approvals, and licenses and comply with all applicable federal, state, and local statutes, regulations and ordinances affecting the design, materials or performance of exercising any and all rights granted by this Easement.
- 14. The Grantee shall restore the property in a timely workmanlike manner consistent with the original condition of the Easement Area prior to such entry by the Grantee or its employees or agents. This restoration, however, does not apply to the initial installation or construction the Grantee's facilities on the Easement Area as it relates to any trees, bushes, branches or roots removed for initial installation or construction, or which subsequently may interfere with the Grantee's use of the Easement Area or create an unsafe condition.
- 15. The Easement shall automatically terminate upon the Grantee's abandonment of the Easement Area and shall automatically revert to and revest in the Grantor without reentry upon the abandonment of the use of the same for utility purposes for which the easement was granted or upon voluntary non-use of the same for a period of 2 years.
- 16. The Grantee agrees not to violate any term or condition stated herein. In the event of a violation, the Grantor will give written notice to the Grantee of the violation(s) and the Grantee will have 30 days to rectify the violation(s). In the event the violation(s) has not been rectified to the satisfaction of the Grantor within the time frame allowed, the Grantor, at the Grantor's discretion, shall have the right to declare this easement terminated, and shall have the right to take full control of the Easement Area, without hindrance or delay, and may use its legal remedies for recovery from the Grantee of all damages sustained by acts of the Grantee.
- 17. The Grantor agrees not to plant any trees within the Easement Area. The Grantor agrees that no structures or above ground improvements (not including trails, driveways, roadways or parking lots which are not prohibited), obstructions or impediments of whatever kind or nature will be constructed,

placed, granted or allowed within the Easement Area. Except as otherwise allowed herein, the Grantor further agrees that the elevation of the existing ground surface of land within the Easement Area will not be altered by more than 6 inches without the prior written consent of the Grantee.

- 18. Relating to installation, construction, operation, maintenance, and replacement work within the Easement Area, work shall be completed as follows:
  - a. Other than as otherwise permitted herein, the trail should remain open for public use at all times. Trail closures will not be allowed during snowmobile season and may not be allowed at certain times during bicycling season depending on planned events, activities, or volume of use. All closures must be coordinated with the Trail Manager. Any trail closure of more than 1 day may be done only with written permission of the Trail Manager.
  - b. If the trail must be blocked at any time due to safety, a flag person must be present or appropriate signage must be installed such that trail users are informed of the blockage and an acceptable detour (if needed) must be provided by the Grantee so users can pass through safely. Grantee shall not use the trail right-of-way for backing of any equipment unless a flag person is present and directing trail traffic.
  - Warning signs, lights, or such other safety markers as necessary shall be placed informing trail
    users of any construction work or as otherwise directed by the Trail Manager.
  - d. If needed, as determined by the Trail Manager, Grantee shall place passable barricades at entry points for trail users that require trail users to substantially reduce their speed and proceed single file. Barricade points must include signs stating that construction activities are taking place along the trail, listing a reduced speed limit, and indicating 2-way, single-file traffic.
  - e. All excavated open holes must be adequately marked at all times by the Grantee and warning signs must be placed and maintained by Grantee a safe distance ahead in both directions.
  - f. All excavated holes shall be filled in and made level with the original grade by the Grantee prior to project activity completion.
  - g. Insofar as is practicable and when the Grantor requests other than during the initial construction or due to an emergency situation, the Grantee shall schedule any construction work in an area used for recreational purposes at times when the ground is frozen in order to prevent or reduce soil compaction. All work will be conducted to minimize soil disturbance. All rutting will be repaired and the Premises restored as promptly as possible by Grantee following its work. If soils are not frozen or stable to a point that avoids rutting, timber mats, mud tracks, or equivalent must be utilized to access installation, construction, maintenance, or replacement locations.
  - h. Any and all ground settling or trail surface damage caused by the exercise of the Grantee rights within a 2 year period from the date of installation or any maintenance is the sole responsibility of the Grantee and must be restored or repaired to pre-construction or better conditions using the same type and quality materials as approved by the Trail Manager. Upon failure to perform by the Grantee within 20 days of notification by the Trail Manager of needed repairs or restoration, repairs or restoration may be contracted by the Trail Manager and the Grantee shall be liable for all costs associated with such repairs and restoration.
  - Grantee shall not park or store any vehicles or equipment on the trail at any time unless authorized in writing by the Trail Manager.
- 19. Conveyance of this Easement may be encumbered by federal or state railroad interest and subject to future restoration and reconstruction of the right-of-way for rail purposes consistent with Section 208 of the National Trails System Act Amendment of 1983, Publ. L. No. 98-11 (16 U.S.C. 1247(d)) or Wis. Stat. s. 85.09, including possible termination of this Easement, and subject to reservations, exceptions and leases, agreements and permits authorized by the former railroad company or the Grantor prior to the execution of this Easement. Grantor shall provide written notice of the necessity for the reestablishment of railroad, which may result in the termination of this Easement upon the discretion of the railroad. Grantee shall: (1)

not materially change the grade or topography of the Easement Area; (2) not construct and install or remove any permanent improvement which violates American Railway Engineering and Maintenance-of-Way Association ("AREMA"), or its successors, published practices and procedures or would make such reestablishment of railroad impracticable; and (3) not allow the installation of any facility, above or below grade that does not conform to AREMA's standards or clearances for railroad.

- 20. The Grantee assumes and agrees to protect, indemnify and save harmless the Grantor and Grantor's agents, officers and employees, including the Trail Manager and Trail Manager's agents, officers and employees from and against any and all claims, demands, suits, liability and expense by reason of loss or damage to any property or bodily injury including death, arising directly or indirectly:
  - Out of the clearing, installation, construction, operation, maintenance, replacement, existence, use and repair of the underground utility lines;
  - Out of any defect in the underground utility lines and underground gas line or failure thereof;
  - c. Out of any act or omission of the Grantee, its agents or employees while on or about the Easement Area or any of Grantor's adjoining Premises.
  - Out of the Grantee's exercise of any and all rights granted by this easement.
  - e. Out of any defect of insufficiency of title or authority of the Grantor to convey this easement.
- The Grantee may, at its sole discretion, self-insure up to \$5,000,000. A certificate to that effect shall be provided upon request.
- 22. All notices or other writings this easement requires to be given, or which may be given, to either party by the other shall be deemed to have been fully given when made in writing and either by certified mail, return receipt requested or deposited in the United States mail, prepaid and addressed as follows:
  - To the Grantor: Department of Natural Resources Trail Coordinator, 2984 Shawano Ave. WI, 54313. Phone Number: (920) 662-5138.
  - To the Trail Manager: Brown County Parks Department, PO Box 23600, Green Bay, WI 54305. Phone Number: (920) 448-6242.
  - c. To the Grantee: Manager of Property Management, Wisconsin Public Service Corp., P.O. Box 19001, Green Bay, WI 54307. Phone Number: (800) 450-7260.
  - d. The address to which any notice, demand, or other writing may be given, made or sent to any party as above provided may be changed by written notice given by such party as above provided.
- 23. The Grantor retains management, supervision and control over the Easement Area for the purpose of enforcing Chapter NR 45, Wis. Adm. Code governing the conduct of visitors to state lands and to provide for the protection of the natural resources, and pertinent state laws, when needed to protect the Easement Area or the general public.
- 24. The Grantor does not represent or warrant that title to the Easement Area is vested in the Grantor and is free and clear of all encumbrances. The Grantee assumes all responsibility and liability in determining the sufficiency of the Grantor's right to convey this easement.
- 25. Use of pesticides and herbicides shall only be allowed with the prior written permission of the Grantor which shall not be unreasonably withheld, delayed or denied. Any pesticides or herbicides used as part of a management plan must conform to the Forest Stewardship Council list found at <a href="https://ic.fsc.org/en/our-impact/program-areas/forest-program/pesticides">https://ic.fsc.org/en/our-impact/program-areas/forest-program/pesticides</a>. Grantee shall report to the Grantor (i.e. property manager and the DNR Pesticide Use Team), at least annually, the chemicals that will and have been applied on the Premises and the Easement Area, including the date, product trade name, active ingredient(s) and corresponding CAS number(s), purpose, rate, location with a map, total area treated and total amount of chemicals.

- This Easement shall be binding on the Grantor and the Grantee and their respective successors and assigns.
- This Easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
- 28. This Easement sets forth the entire understanding of the Grantor and the Grantee and may not be changed except by a written document executed and acknowledged by the Grantor and the Grantee and recorded in the Register of Deeds Office in the county where the Easement Area is located.
- 29. If any term or condition of this Easement shall be deemed invalid or unenforceable, the remainder of this Easement shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
- 30. Enforcement of this Easement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Easement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this Easement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the non-prevailing party to the extent authorized by law.

END OF CONDITIONS

-7-

IN WITNESS WHEREO		agreed to and caused t	his easement to be executed on its behalf this -
	Wisconsin Publ	lic Service Corporation	n
			esident on Asset Management
State of Wisconsin County of Brown	) ) ss. )		
J. Peterson, as Vice Presi	dent of Wisconsin	Public Service Corpo	2017, the above named Vernon oration, to me known to be the persons who the capacity therein stated and for the purpose
		* Notary Public, State o My commission (expi	of Wisconsin ires) (is)

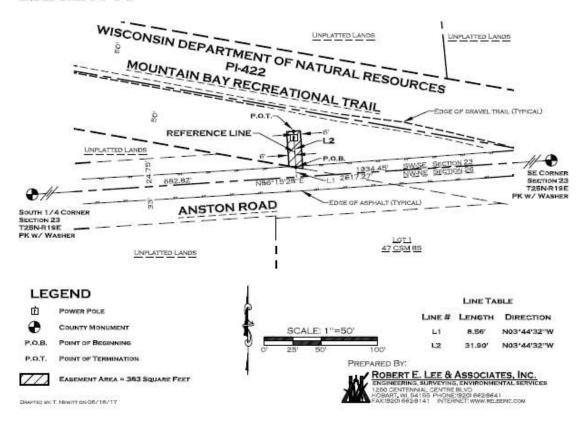
day		, 2017.	nt to be executed on its behalf this
	State of W		
		nt of Natural Resources	
	For the Se	cretary	
	By		(SEAL)
	Te	rry H. Bay	
	Fac	cilities and Lands Bureau Direct	or
State of Wisconsin	Y.		
State of Wisconsin	) 55		
Dane County	5		
Personally came befor	e me this	day of	, 2017, the above named in Department of Natural Resources, to
			nd acknowledged that he executed and
delivered the same as fo	or the act and dee	ed of said Department of Natural	Resources.
		* Aubrey F. Johnson	=======================================
		* Aubrey F. Johnson Notary Public, State of Wis	consin

This instrument drafted by: State of Wisconsin Department of Natural Resources

### CONSENT TO EASEMENT

IN WITNESS WHEREOF, BROWN COU 305 E. Walnut St., Room 120, Green Bay construction, operation and management of the State of Wisconsin Department of Na Document No. 1943638, Brown County join in and consent to this underground ele-	y, WI 54301, being the holder of a of the Mountain-Bay State Trail t tural Resources and Brown Coun Register of Deeds against said P	n easement interest which is for the by virtue of said Easement between ty recorded on October 25, 2002 as remises, does hereby acknowledge
Ву_	Troy Streckenbach	(SEAL)
	Brown County Executive	
STATE OF WISCONSIN )		
BROWN COUNTY ) ss.		
Personally appeared before me this Streckenbach, County Executive to me k acknowledged the same in the capacity the	mown to be the person who exe	cuted the foregoing instrument and
	*	
	Notary Public, State of Wiscon My commission (expires) (is) _	
*Please print name.		
This instrument drafted by: State of Wisconsin Department of Natural Resources		

#### **EXHIBIT A**



### No. 10g -- RESOLUTION TO APPROVE LAND USE AGREEMENT REGARDING THE FOX RIVER STATE TRAIL

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, Brown County ("County") is the holder of a Trail Management Easement interest regarding the Fox River State Trail ("Trail"). Said easement interest affords the Brown County Parks Department ("Trail Manager") to construct, develop, maintain and operate the Trail; and

**WHEREAS**, in accordance with said Trail Management Easement, as well as other documents relating thereto, the County is required to consent to any additional easements/access permits/agreements granted by the Owner of the Trail, i.e., the Wisconsin Department of Natural Resources ("DNR"), provided that the Trail Manager, who has final authority over issues relating to the management of the Trail corridor, is notified and consulted with in advance; and

WHEREAS, upon due notification to and consultation with the Trail Manager, the DNR desires to enter into a Land Use Agreement, attached hereto and incorporated herein by reference, with the Wisconsin Department of Transportation ("DOT"), as the DOT will be conducting a bridge rehabilitation project, referred to as WisDOT Project ID 1210-05-06, including the blasting and repainting of the State Highway 172 bridge at the perpendicular crossing on the corridor of the Trail; and

**WHEREAS**, pursuant to said Land Use Agreement, the DOT, as Permittee, is required to submit a construction plan to the Trail Manager and may not begin work regarding said construction plan unless and until written approval from the Trail Manager is granted and received, and the DOT is also required to obtain all necessary permits, approvals, and licenses prior to starting work, and to comply with all applicable federal, state, and local laws, rules and regulations.

**NOW, THERFORE, BE IT RESOLVED** that the Brown County Board of Supervisors hereby consents to the attached Land Use Agreement between the Wisconsin Department of Natural Resources and the Wisconsin Department of Transportation being entered into, and hereby authorizes and directs the Brown County Executive to execute the Land Use Agreement on Page 7 of said agreement, indicating the County's acceptance of and consent to the terms and conditions of said agreement.

Respectfully submitted,

**EDUCATION & RECREATION COMMITTEE** 

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by Parks Department Final Draft Approved by Corporation Counsel

Fiscal Note: This resolution does not require an appropriation from the General Fund.

A motion was made by Supervisor Ballard and seconded by Supervisor Lefebvre "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

#### ATTACHMENTS TO RESOLUTION #10G ON THE FOLLOWING PAGES



PO BOX 23600 GREEN BAY WI 54305 MATTHEW M. KRIESE PARKS DIRECTOR

PHONE (920) 448-4464 FAX (920)448-4054 E-MAIL KRIESE\_MM@CO.BROWN.WI.US

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE:		01-09-2018			
REQUEST TO:		EDUCATION AND RECREATION			
MEETING I	DATE:	01-25-2018			
REQUEST	FROM:	Matt Kriese			
REQUEST TYPE:		x New resolution  New ordinance	☐ Revision to resolution ☐ Revision to ordinance		
Condition 12		TION TO APPROVE LA NG THE FOX RIVER S	ND USE AGREEMENT TATE TRAIL		
ISSUE/BAC	KGROU	ND INFORMATION:			
Easement.	This reso	olution authorizes the Co	rail, and the County holds a Trail Management ounty to approve the Land Use Agreement for the WI dge at the point it intersects with the Fox River Trail.		
ACTION RE	QUESTE	ED:			
Request to	Approve 1	this Resolution			
FISCAL IM		ortion is initially completed by r	requestor, but verified by the DOA and updated if necessary.		
1. Is t	here a fi	scal impact? ☐ Ye	es x No		
a.	If yes	s, what is the amount	t of the impact?\$		
b.	If par	rt of a bigger project,	what is the total amount of the project?		
C.	Is it	currently budgeted?	☐ Yes ☐ No		
	1.	If yes, in which acc	UI (GUIS DNA) Alexandra secondo como		
	2.	If no, how will the i	mpact be funded?		
		Q <del>-</del>	34		

X COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

Document Number

Document Title

State of Wisconsin
Department of Natural Resources
Box 7921
Madison, WI 53707

#### LAND USE AGREEMENT

Wis. Stat. ss. 23.09(2) Form 2200-118

THIS LAND USE AGREEMENT is entered into by and between the State of Wisconsin Department of Natural Resources (hereinafter referred to as "Owner") and Wisconsin Department of Transportation (hereinafter referred to as "Permittee").

#### RECITALS

WHEREAS, the Owner is the successor in title to the former Wisconsin Central Ltd., railroad corridor now known as the Fox River State Trail (hereinafter referred to as "Premises");

WHEREAS, the Department has eased the trail management and operations to Brown County (hereinafter named "Trail Manager");

WHEREAS, the Permittee will be conducting a bridge rehabilitation project, referred to as WisDOT Project ID 1210-05-60, including bridge paint blasting and repainting on WisDOT property adjacent to Department's ownership, and requested access across the Premises;

Recording Area

Return: Department of Natural Resources Bureau of Parks and Recreation 2984 Shawano Avenue Green Bay, WI 54313-6727 Attn: Trail Coordinator (LUA-

Parcel Identification Number (PIN): Burdened: Part of AL-65

WHEREAS, the Permittee desires a temporary right to access, right to install a temporary access area for crossing and shoreline access, operate necessary equipment thereon, and the right of ingress and egress, by vehicles used for bridge rehabilitation and painting operations, on land owned by the Owner as shown on the attached "Exhibit A" (hereinafter referred to as the "Temporary Access Area or Crossing");

WHEREAS, said non-exclusive Land Use Agreement which shall be a single Crossing, over and across a temporary access area, no greater than 30 feet in width across the 66 foot wide Trail corridor, located in Brown County, Wisconsin, described as follows:

#### Township 23 North, Range 20 East, Village of Allouez

PC 19: A Crossing, no greater than 30 feet in width as it crosses that portion of the former Wisconsin Central Ltd.'s (formerly the Chicago, Milwaukee, St. Paul and Pacific Railroad Company) 66 foot wide right of way, in Private Claim 19, East Side Fox River, lying between lines 130 feet northerly of and 120 feet southerly of the STH 172 ROW, in the location as depicted on a map marked Exhibit "A", attached hereto and made a part thereof;

WHEREAS, said Crossing shall allow the temporary right of access, right to construct a temporary access area for trail crossing and access, operate necessary equipment thereon, and preserve, protect, remove, or plant vegetation as approved by the Trail Manager within the corridor of the Trail.

WHEREAS, this Agreement use shall be in effect for a two (2) year period, commencing the 1<sup>st</sup> day of December, 2017 and ending the 30<sup>th</sup> of November, 2019; AND

WHEREAS, the fee for this agreement is Two Hundred Dollars (\$200.00).

NOW, THEREFORE, for good and valuable consideration, the Owner hereby grants to the Permittee this nonexclusive Land Use Agreement for the purpose of temporary right to access, operate necessary equipment thereon, and the right of ingress and egress by vehicles used for the batch plant operations by the Permittee on the Crossing.

It is understood by the Owner and the Permittee that this temporary use is subject to the following conditions:

- The parties hereto confirm and agree that the recitals set forth above are true and correct and incorporate
  the same herein for all purposes.
- The agreement shall be non-exclusive and the Owner may use the above described premises and shall have
  the right to lease or convey other easements to one or more other person(s), company(ies) or other
  entity(ies); provided that any such subsequent use, lease or conveyance shall not interfere with the
  Permittee's rights.
- This agreement is solely for construction and use of a temporary Crossing over and across the Premises for the purpose of ingress and egress by vehicles and equipment used for bridge rehabilitation and painting operations. This agreement may not be expanded for any other purpose without the written consent of the Owner.
- Relating to installation, construction, operation, maintenance, and replacement work related to the Temporary Trail Crossing, work shall be completed as follows:
  - a. The Permittee may construct a temporary gravel crossing, 30 feet in width across the 66 foot right of way, outside of the developed travelled portion of the trail tread. The Permittee shall submit to the Trail Manager a construction plan for approval, detailing and describing any construction and maintenance on the above described property. Any improvements to the Crossing shall only be done with prior written approval of the Trail Manager. The Permittee may not alter the terrain, vegetation or elevation of the Trail, except upon written approval by the Owner and Trail Manager of an approved construction plan. No deviations from this plan will be allowed without the prior written approval of the Trail Manager and shall be subject to and conditioned upon the approval of codes, ordinances, permits and zoning regulations of any units of government with jurisdiction over the Premises. The Permittee shall contact the Owner and Trail Manager, five (5) days prior to scheduling construction equipment on the Premises.
  - b. The Permittee hereby agrees and acknowledges that users of the Trail shall have the right-of-way at all times and shall make every effort possible to accommodate trail users and protect them from any hazards during the term of this permit.
  - c. Other than as otherwise permitted herein, the Trail should remain open for public use at all times. Any closure must be coordinated with the Trail Manager. The Permittee shall not schedule a closure during peak Trail use times (i.e. weekend, special events, etc.). Any Trail closure of more than one day may be done only with written permission of the Owner and Trail Manager.
  - d. Warning signs and lights shall be placed informing public users of any construction work or as otherwise directed by the Trail Manager. If needed, as determined by the Trail Manager, Permittee shall place passable barricades at entry points for trail users that require trail users to substantially reduce their speed and proceed single file. Barricade points must include signs stating that construction activities are taking place along the trail, listing a reduced speed limit, and indicating 2-way, single-file traffic.
  - e. The Permittee is responsible for maintaining a safe work zone for workers and public. Insofar as practicable, all construction is to be completed during daylight hours. If the Permittee is not able to complete the work in daylight hours, the Permittee is responsible for contacting the Trail Manager and securing the site with barricades, hazard tapes/restraints and flashing signs during dark hours.

- f. All excavated open holes must be adequately marked at all times by the Permittee and warning signs must be placed and maintained by Permittee a safe distance ahead of the holes in both directions.
- g. The Permittee shall monitor the condition of the trail surface on a daily basis, prior to and after daily construction activities.
- h. The Permittee shall conduct all work to minimize soil disturbance. All rutting will be repaired and the Trail restored as promptly as possible by the Permittee following its work. If soils are not frozen or stable to a point that avoids rutting, timber mats, mud tracks, or equivalent must be utilized to access construction, installation, or maintenance locations.
- i. Any and all ground settling or access way damage caused by the exercise of the Permittee rights within a two year period from the date of installation or any maintenance is the sole responsibility of the Permittee and must be restored or repaired to pre-construction or better conditions using the same type and quality materials as approved by the Trail Manager. Upon failure to perform by the Permittee and within twenty days of notification by the Trail Manager of needed repairs or restoration, repairs or restoration may be contracted by the Trail Manager and the Permittee shall be liable for all costs associated with such repairs and/or restoration.
- j. The Permittee shall not park or store any vehicles or equipment on the Trail at any time and shall only be done with prior written approval of the Owner and Trail Manager.
- k. The Permittee shall maintain the site in a neat, safe, sanitary and usable condition, remove litter, solid waste or unsightly materials and or junk, prevent the introduction of hazardous materials or wastes and become financially responsible for cleanup of any hazardous materials introduced by Permittee on said property.
- 1. The Permittee may cut, trim and remove any brush, logs, stumps or branches which by reason of their proximity may endanger or interfere with the said project. The Permittee will mark any trees slated for removal and these trees may not be removed until approval is received from the Trail Manager. All trees having a commercial value, including firewood, shall be cut in standard lengths and piled conveniently by the Permittee, for disposal, by sale or otherwise, by the Owner. All stumps, slash, waste materials and other debris resulting from the permitted land use shall be disposed of by the Permittee in a manner acceptable by the Trail Manager. Nothing in this agreement shall hinder or preclude vegetative and timber management on these or adjacent state lands.
- m. This agreement does not allow the construction of permanent or temporary structures on said Premises or the storage of equipment or any materials including but not limited to; hazardous materials, vehicles, machinery and construction equipment.
- 5. Use of pesticides and herbicides shall only be allowed with the prior written approval of the Owner which shall not be unreasonably withheld, delayed or denied. Any pesticides or herbicides used as part of a management plan must conform to the Forest Stewardship Council list found at <a href="https://ic.fsc.org/en/our-impact/program-areas/forest-program/pesticides">https://ic.fsc.org/en/our-impact/program-areas/forest-program/pesticides</a>. Permittee shall report to the Owner (i.e. property manager), at least annually, the chemicals that are applied on the Premises including the date, product trade name, active ingredient(s) and corresponding CAS number(s), purpose, rate, location with a map, total area treated, and total amount of chemical used.
- The Permittee is responsible for the location of any existing utility lines located within the Premises and for any and all damages, costs or liabilities that result from any damages to these existing lines caused by the Permittee.
- At all times the Permittees subcontractor(s) shall be required to provide the Owner and Trail Manager adequate evidence of financial responsibility to meet the liabilities, losses, demands and actions from which

the Permittees subcontractor(s) is required to meet. Evidence of adequate financial responsibility shall be either appropriate evidence that the Permittees subcontractor(s) is self-insured and has sufficient resources to provide coverage equivalent to an insurance policy having combined single limits of not less than \$1,000,000 or, alternatively, evidence of an appropriate insurance policy having combined single limits of not less than \$1,000,000. If Permittees subcontractor(s) chooses to provide evidence of an appropriate insurance policy, Permittee shall furnish the Owner and Trail Manager the requisite certificate, or other proof, of insurance showing that the Owner, its officers, employees, agents, and Trail Manager, have the status of an additional insured under the insurance policy. The Owner may require greater evidence of resources or higher limits of insurance coverage if it determines that greater coverage is reasonably required to cover the risks presented by the underground line. The Permittees subcontractor(s) shall furnish the Owner evidence of adequate financial responsibility on or before the effective date of the Permit. If at any time the Owner determines that the Permittees subcontractor(s) has not provided adequate evidence of financial responsibility, the Permittee shall immediately suspend any construction, installation, operation or routine maintenance on the Premises until adequate evidence of financial responsibility is again provided to the

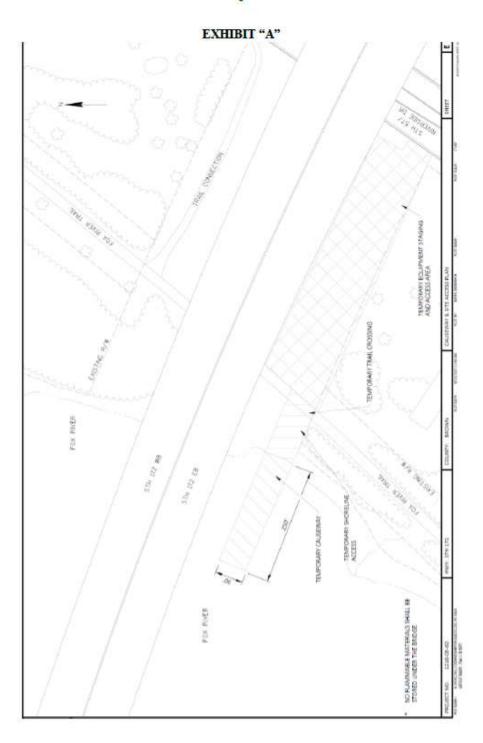
- 8. If any portion of the Owner's property is damaged or destroyed by Permittee, the Permittee shall be solely responsible to repair and restore the damaged area in a timely and workmanlike manner. The Permittee hereby agrees to cooperate with others to alleviate any environmental problems associated with this use or to alleviate environmental conditions upon the Premises and other adjacent lands which may be caused by actions of this Agreement. The Permittee shall be held financially responsible for the repair and restoration of any and all environmental, property, or other damage occurring as a consequence of this Agreement and use
- 9. The Owner may terminate this Agreement by 30 day written notice to the Permittee, if the Owner determines that further use of the above described property by the Permittee will interfere with present or future management objectives of the Owner, or if the Permittee breaches any terms or conditions contained in this access permit.
- 10. Within 10 days after the termination of this agreement or abandonment of this temporary driveway crossing, this Agreement shall terminate and the Permittee shall remove and restore the Premises to pre-use condition or better, including but not limited to, removal of concrete driveway, disposal of all driveway material to a licensed landfill or recycling center, and restoration of ballast gravel surface or other Owner approved surface. If the restoration is not completed within 10 days of agreement termination or abandonment, the Owner may fully restore the Premises and the Permittee shall be responsible for all costs incurred by the Owner to restore the site to its natural condition.
- 11. This agreement is nontransferable. Neither this agreement nor any right or duty in whole or in part by the Permittee under this agreement may be assigned without the written consent of the Owner. This agreement is not transferable or assignable to another party, nor can it be used for any other purpose other than as described herein. Any purported assignment of this agreement shall constitute a material breach of this agreement and it shall be automatically considered null and void. It is understood and agreed that this is an agreement only, i.e., personal to the named Permittee, nontransferable and subject to revocation by the Owner. The terms and conditions contained herein shall not be construed to confer any rights on the Permittee other than those of an agreement and do not run with the benefitted land.
- 12. The Permittee acknowledges that the Premises are open to the general public and the Crossing located on the Owner's above described land. The Permittee shall not prevent or prohibit the members of the general public from using any portion of the Premises and the Crossing that is located on the Owner's property.

- 13. Conveyance of this agreement may be encumbered by federal or state railroad interest and subject to future restoration and reconstruction of the right-of-way for rail purposes consistent with Section 208 of the National Trails System Act Amendment of 1983, Publ. L. No. 98-11 (16 U.S.C. 1247(d)) or Wis. Stat. s. 85.09, including possible termination of this agreement, and subject to reservations, exceptions and leases, agreements and permits authorized by the former railroad company or the Owner prior to the execution of this agreement. Owner shall provide written notice of the necessity for the reestablishment of railroad, which may result in the termination of this agreement upon the discretion of the railroad. Permittee shall: (1) not materially change the grade or topography of the Agreement Area; (2) not construct and install or remove any permanent improvement which violates American Railway Engineering and Maintenance-of-Way Association ("AREMA"), or its successors, published practices and procedures or would make such reestablishment of railroad impracticable; and (3) not allow the installation of any facility, above or below grade that does not conform to AREMA's standards or clearances for railroad.
- 14. The Permittee assumes and agrees to protect, indemnify and save harmless the Owner, Trail Manager, agents, officers and employees from and against any and all claims, demands, suits, liability and expense by reason of loss or damage to any property or bodily injury including death, arising directly or indirectly.
  - Out of the installation, construction, operation, maintenance, replacement, existence, use and repair
    of the Crossing;
  - b. Out of any defect in the Crossing or failure thereof;
  - c. Out of any act or omission of the Permittee, its agents or employees while on or about the Premises or any of Owner's adjoining Premises.
  - d. Out of the Permittee's exercise of any and all rights, duties and responsibilities granted by this agreement.
  - e. Out of any defect or insufficiency of title or authority to convey this agreement.
- 15. Permittee acknowledges that use of the Crossing is non-exclusive. The Owner reserves the right to convey easements or permit other access on the above described property including utility easements in and to the above described property consistent with the rights granted hereunder.
- The Owner shall have the authority to enforce all laws and rules applicable to its supervision and management of the premises, including Chapter NR 45, Wis. Adm. Code.
- 17. The Owner, its employees, agents, and assigns shall have the right to enter upon the Premises for the purpose of inspection and enforcement in law or equity of the terms and conditions contained herein, together with the right to remove there from any unauthorized structure, material or object.
- 18. All notices or other writings this agreement requires to be given, or which may be given, to either party by the other shall be deemed to have been fully given when made in writing and either by certified mail, return receipt requested or deposited in the United States mail, prepaid and addressed as follows:
  - To the Owner: Department of Natural Resources Trail Coordinator, 2984 Shawano Avenue, Green Bay, WI, 54313-6727. Phone Number: 920-662-5138.
  - b. To the Trail Manager: Brown County Parks Department, PO Box 23600, Green Bay, WI 54305 Phone Number: 920-448-4464.
  - c. To the Permittee: Wisconsin Department of Transportation Northeast Region, 944 Vanderperren Way, Green Bay, WI 54304. Phone Number: 920-492-5643.
  - d. The address to which any notice, demand, or other writing may be given, made or sent to any party as above provided may be changed by written notice given by such party as above provided.

- 19. The terms Owner and Permittee when used herein shall mean either singular or plural, masculine or feminine, as the case may be, and the provisions of the access permit shall bind the parties mutually, their heirs, successors, personal representatives and assigns.
- 20. If any term or condition of this agreement, or the application of this agreement to any person or circumstance, shall be deemed invalid or unenforceable, the remainder of this agreement, or the application of the term or condition to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
- This agreement sets forth the entire understanding of the parties and may not be changed except by a written document executed and acknowledged by all parties to this agreement.
- 22. If any term or condition of this access permit shall be deemed invalid or unenforceable, the remainder of this access permit shall not be affected thereby, and each term and condition shall be valid and enforceable to the fullest extent permitted by law.
- 23. Enforcement of this agreement may be by proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this agreement, either to restrain or prevent the violation or to obtain any other relief. If a suit is brought to enforce this agreement, the prevailing party shall be entitled to recover its costs, including reasonable attorney fees, from the nonprevailing party.
- 24. This agreement shall be construed and enforced in accordance with the laws of the State of Wisconsin.

END OF CONDITIONS

The Permittee hereby accepts and consents to the terms and condition	of this agreement
The reminde nereby accepts and consents to the terms and condition	s of this agreement.
By	
Eric S. Gwidt, PE Project Manager WisDOT Project ID 1210-05-60 Wisconsin Department of Transportation	Date
Brown County, Trail Manager of the Fox River State Trail, responsil state trail, hereby accepts or consents to the terms of this agreement:	
By	
Troy Streckenbach	Date
Brown County Executive	
Owner:	
State of Wisconsin Department of Natural Resources	
For the Secretary	
and the latest and th	
By	Date
This instrument drafted by:	
State of Wisconsin Department of Natural Resources	



#### **Executive Committee**

### No. 10h -- RESOLUTION SUPPORTING SENATE AND ASSEMBLY BILLS REGARDING ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, a recent study indicates that the number of Assistant District Attorneys (ADAs) in the Brown County District Attorney office is currently short by 11.46 positions, the largest such ADA shortfall of all counties in the entire state; and

**WHEREAS**, by law, the State of Wisconsin is responsible for funding Brown County ADA positions, but has failed to adequately do so to date; and

WHEREAS, 2017 Assembly Bill 502 and 2017 Senate Bill 573 (the Bills) both create 20 Assistant District Attorney positions to be funded (by the state) and filled in the 2017-19 biennium, with said ADA positions being apportioned across 24 Wisconsin counties to the 23 districts with the lowest current number of FTE positions as a percentage of the estimated total FTE positions needed; and

**WHEREAS**, of the 20 new statewide ADA positions to be created by the Bills, two of said ADA positions are earmarked by the Bills as Brown County District Attorney office positions.

**NOW, THEREFORE, BE IT RESOLVED** that the Brown County Board of Supervisors supports passage of 2017 Assembly Bill 502 and 2017 Senate Bill 573; and

**BE IT FURTHER RESOLVED** that the County Clerk shall forward a copy of this Resolution to the Wisconsin Governor, Wisconsin Counties Association, State Representatives and State Senators representing the Brown County area.

Fiscal Note: This resolution does not require an appropriation from the General Fund. The cost to carry out the resolution is \$5.98 and can be covered with the department's current budget.

Respectfully submitted, EXECUTIVE COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by: Corporation Counsel Approved by: Corporation Counsel

A motion was made by Supervisor Brusky and seconded by Supervisor Campbell "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

# ATTACHMENTS TO RESOLUTION #10H ON THE FOLLOWING PAGES

#### CORPORATION COUNSEL

### Brown County

305 E. WALNUT STREET P.O. BOX 23600 GREEN BAY, WISCONSIN 54305-3600



David P. Hemery Corporation Counsel

PHONE (920) 448-4006 FAX (920) 448-4003 David.Hemery@co.brown.wi.us

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 02-08-2018

REQUEST TO: Executive Committee and County Board MEETING DATE: 02-12-2018, and 02-21-2018, respectively REQUEST FROM: David Hemery, Corporation Counsel

per the request of Supervisor Brusky and Supervisor Lefebvre

□New ordinance □Revision to ordinance

TITLE: Resolution Supporting Senate and Assembly Bills Regarding Additional ADA

Positions

#### ISSUE/BACKGROUND INFORMATION:

Additional ADA Positions are Needed

#### ACTION REQUESTED:

Pass Resolution

#### FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

- 1. Is there a fiscal impact? X Yes □No
  - a. If yes, what is the amount of the impact? \$5.98
  - b. If part of a bigger project, what is the total amount of the project?

c. Is it currently budgeted? X Yes □No

- 1. If yes, in which account? Postage
- 2. If no, how will the impact be funded?

X COPY OF RESOLUTION OR ORDINANCE IS ATTACHED



#### State of Misconsin 2017 - 2018 LEGISLATURE

LRB-3392/2 MLJ;jld

#### 2017 ASSEMBLY BILL 502

September 20, 2017 - Introduced by Representatives Jacque, Quinn, Horlacher, Petryk, R. Brooks, Brostoff, Genrich, Kremer, Milroy, Murphy, Mursau, Thiesfeldt, Tusler and Summerfield, cosponsored by Senators Wanggaard, Harsdorf, Bewley, Hansen, Vinehout, Lasee, Testin and Feyen. Referred to Committee on Judiciary.

1 AN ACT relating to: additional assistant district attorney positions.

#### Analysis by the Legislative Reference Bureau

This bill creates 20 assistant district attorney positions to be funded and filled in the 2017–19 biennium, with the positions being apportioned across 24 counties to the 23 districts with the lowest current number of FTE positions as a percentage of the estimated total FTE positions needed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

#### Section 1. Nonstatutory provisions.

(1) Additional assistant district attorney positions. The authorized FTE positions for the department of administration are increased by 20.0 GPR positions on January 1, 2019, to be funded from the appropriation under section 20.475 (1) (d) of the statutes, for the purpose of creating and filling 20 additional assistant district attorney positions which shall be apportioned as follows to the prosecutorial units for the following counties:

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#### ASSEMBLY BILL 502

1	(a) Adams County shall receive 0.5 assistant district attorney position.
2	(b) Barron County shall receive 1.0 assistant district attorney position.
3	(c) Bayfield County shall receive 0.5 assistant district attorney position.
4	(d) Brown County shall receive 2.0 assistant district attorney positions.
5	(e) Burnett County shall receive 1.0 assistant district attorney position.
6	(f) Columbia County shall receive 0.5 assistant district attorney position.
7	(g) Douglas County shall receive 0.5 assistant district attorney position.
8	(h) Dunn County shall receive 1.0 assistant district attorney position.
9	(i) Fond du Lac County shall receive 1.0 assistant district attorney position.
10	(j) Forest County shall receive 1.0 assistant district attorney position.
11	(k) Grant County shall receive 0.5 assistant district attorney position.
12	(L) Jackson County shall receive 0.5 assistant district attorney position.
13	(m) Langlade County shall receive 1.0 assistant district attorney position.
14	(n) Lincoln County shall receive 0.5 assistant district attorney position.
15	(o) Monroe County shall receive 1.0 assistant district attorney position.
16	(p) Outagamie County shall receive 2.0 assistant district attorney positions.
17	(q) Polk County shall receive 0.5 assistant district attorney position.
18	(r) Portage County shall receive 1.0 assistant district attorney position.
19	(s) Racine County shall receive 1.0 assistant district attorney position.
20	(t) Shawano and Menominee counties shall receive 0.5 assistant district
21	attorney position.
22	(u) Washburn County shall receive 0.5 assistant district attorney position.
23	(v) Washington County shall receive 0.5 assistant district attorney position.
24	(w) Wood County shall receive 1.5 assistant district attorney position.
25	(END)



#### State of Misconsin 2017 - 2018 LEGISLATURE

LRB-4819/1 MLJ;jld

#### 2017 SENATE BILL 573

November 20, 2017 - Introduced by Senators Wanggaard, Bewley, Hansen, Vinehout, Lasee, Testin and Feyen, cosponsored by Representatives Jacque, Quinn, Horlacher, Petryk, R. Brooks, Brostoff, Genrich, Kremer, Milroy, Murphy, Mursau, Thiesfeldt, Tusler and Summerfield. Referred to Joint Committee on Finance.

AN ACT relating to: additional assistant district attorney positions.

#### Analysis by the Legislative Reference Bureau

This bill creates 20 assistant district attorney positions to be funded and filled in the 2017–19 biennium, with the positions being apportioned across 24 counties to the 23 districts with the lowest current number of FTE positions as a percentage of the estimated total FTE positions needed.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

#### Section 1. Nonstatutory provisions.

(1) ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS. The authorized FTE positions for the department of administration are increased by 20.0 GPR positions on January 1, 2019, to be funded from the appropriation under section 20.475 (1) (d) of the statutes, for the purpose of creating and filling 20 additional assistant district attorney positions which shall be apportioned as follows to the prosecutorial units for the following counties:

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#### SENATE BILL 573

1	(a) Adams County shall receive 0.5 assistant district attorney position.
2	(b) Barron County shall receive 1.0 assistant district attorney position.
3	(c) Bayfield County shall receive 0.5 assistant district attorney position.
4	(d) Brown County shall receive 2.0 assistant district attorney positions.
5	(e) Burnett County shall receive 1.0 assistant district attorney position.
6	(f) Columbia County shall receive 0.5 assistant district attorney position.
7	(g) Douglas County shall receive 0.5 assistant district attorney position.
8	(h) Dunn County shall receive 1.0 assistant district attorney position.
9	(i) Fond du Lac County shall receive 1.0 assistant district attorney position.
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12	(L) Jackson County shall receive 0.5 assistant district attorney position.
13	(m) Langlade County shall receive 1.0 assistant district attorney position.
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19	(s) Racine County shall receive 1.0 assistant district attorney position.
20	(t) Shawano and Menominee counties shall receive 0.5 assistant district
21	attorney position.
22	(u) Washburn County shall receive 0.5 assistant district attorney position.
23	(v) Washington County shall receive 0.5 assistant district attorney position.
24	(w) Wood County shall receive 1.5 assistant district attorney position.
25	(END)

# No. 10i -- AN ORDINANCE TO AMEND SUBSECTIONS 2.13 (4)(h) AND (i), AND (5)(a) AND (f), OF CHAPTER 2 OF THE BROWN COUNTY CODE OF ORDINANCES

A motion was made by Supervisor Zima and seconded by Supervisor Dantinne "to refer back to Executive and Administration Committees." Voice vote taken. Motion carried unanimously with no abstentions.

# No. 10j -- AN ORDINANCE TO AMEND SECTION 4.25 (ENTITLED "POLICY") OF CHAPTER 4 OF THE BROWN COUNTY CODE OF ORDINANCES

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

<u>Section 1</u> - Section 4.25 of Chapter 4 of the Brown County Code of Ordinances is hereby amended as follows:

4.25 POLICY. Brown County provides equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, marital status, amnesty, or status as a covered veteran and does not discriminate in violation of applicable Federal, State and local laws, rules and regulations, as they now exist and as they may be amended in the future, regarding but not limited to sex (including gender identity), color, ancestry, disability, marital status, race, creed (religion), age (40 or over), use of lawful products, arrest or conviction, honesty testing, national origin, pregnancy or childbirth, sexual orientation, genetic testing, military service, and declining to attend a meeting or participate in any communication about religious or political matters. in accordance with applicable federal, state and local laws. Brown County complies with applicable state and local laws governing nondiscrimination in employment in every location in which the County has facilities. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

<u>Section 2</u> - This Ordinance Amendment shall become effective upon passage and publication pursuant to law.

Fiscal Impact: This ordinance does not require an appropriation from the General Fund.

Respectfully submitted,

**EXECUTIVE COMMITTEE** 

Approved By:

/s/ Troy Streckenbach	2/28/2018
COUNTY EXECUTIVE	(Date)
/s/ Sandra L. Juno	2/26/2018
COUNTY CLERK	(Date)
/s/ Patrick W. Moynihan, Jr	2/27/2018
COUNTY BOARD CHAIR	(Date)

Authored by: Corporation Counsel

Reviewed and Approved by: Corporation Counsel

A motion was made by Supervisor Erickson and seconded by Supervisor Hoyer "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

# ATTACHMENTS TO RESOLUTION #10J

### **ON THE FOLLOWING PAGES**

#### HUMAN RESOURCES DEPARTMENT

# Brown County

305 E, WALNUT STREET P.O. BOX 23600 GREEN BAY, WI 54305-3600



PHONE (920) 448-4071 FAX (920) 448-6277 WEB: www.co.brown.wi.us

□ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

HUMAN RESOURCES DIRECTOR

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE:	February 8, 2018		
REQUEST TO:	Executive Committee	and County Board	
MEETING DATE:	February 12, 2018, ar	nd February 21, 2018, respectiv	ely
REQUEST FROM:	Kathryn Roellich Human Resources Di	rector	
REQUEST TYPE:	<ul><li>□ New resolution</li><li>□ New ordinance</li></ul>	<ul> <li>□ Revision to resolution</li> <li>☑ Revision to ordinance</li> </ul>	
	nce Amending Subsecti s Entitled "Policy"	on 4.25 of Chapter 4 of the Bro	wn County Code of
ISSUE/BACKGROU	ND INFORMATION:		
Update Section 4.25	to reflect current and fut	ture laws and to clean up ordina	ance.
ACTION REQUESTE	<u>:D:</u>		
Review, approve and	I forward to County Boar	rd.	
FISCAL IMPACT:			
	ct portion is initially complete	ed by requestor, but verified by the D	OA and updated if necessary.
1. Is there a fiscal i		No	- 1 A2
a. If yes, what	is the amount of the imp	act?	
b. If part of a b	igger project, what is the	total amount of the project?	\$
c. Is it current	y budgeted? ☐ Ye	s 🗆 No	
1. If yes, i	n which account?	26 PER 2019/8968	
man militar Al	ow will the impact be fun	nded?	- Tel
100 Per 100 Pe		24-00-02 TV-15	

# WISCONSIN FAIR EMPLOYMENT LAW

Section 111.31-111.395 Wisconsin Statutes and DWD 218 Wisconsin Administrative Code requires that all employers prominently display this Poster in all places of employment.

It is unlawful to discriminate against employees and job applicants because of their:

- Sex
- Color
- Ancestry
- Disability
- Marital Status
- Race
- Creed (Religion)
- Age (40 or Over)

- Use of Lawful Products
- Arrest or Conviction
- Honesty Testing
- National Origin
- Pregnancy or Childbirth
- Sexual Orientation
- Genetic Testing
- Military Service
- Declining to Attend a Meeting or Participate in any Communication About Religious or Political Matters

This law applies to employers, employment agencies, labor unions and licensing agencies.

Employers may not require certain types of honesty testing or genetic testing as a condition of employment, nor discipline an employee because of the results.

Employees may not be harassed in the workplace based on their protected status nor retaliated against for filing a complaint, for assisting with a complaint, or for opposing discrimination in the workplace.

There is a 300-day time limit for filing a discrimination complaint.

For more information or a copy of the law and the administrative rules contact:



# STATE OF WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT EQUAL RIGHTS DIVISION



201 E WASHINGTON AVE ROOM A100 819 N 6TH ST PO BOX 8928 ROOM 723

MADISON WI 53708-8928 MILWAUKEE WI 53203

Telephone: (608) 266-6860 Telephone: (414) 227-4384 TTY: (608) 264-8752 TTY: (414) 227-4081

Website: http://dwd.wisconsin.gov/er/

The Department of Workforce Development is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format or need it translated to another language, please contact us.

FRD-4531-P (R 05/2014)

#### Federal Court Decisions Supporting Regarding Transgender Individuals

Chavez v. Credit Nation Auto Sales, L.L.C., 2016 WL 158820 (11th Cir. Jan. 14, 2016). Reversing summary judgment for the employer on the plaintiff's claim that she was terminated from her job as an auto mechanic because she is transgender, the court remanded the case for trial because there was sufficient circumstantial evidence to create a triable issue of fact as to whether gender bias was a motivating factor. The employer asserted that the plaintiff was fired for sleeping on the job and noted that other employees had been fired for the same offense. However, less than two months before the plaintiff's termination, her supervisor had said that her transgender status made him "nervous" and would negatively impact the business and coworkers. Moreover, the plaintiff had received an excellent performance appraisal prior to disclosing her gender transition, and the employer deviated from its progressive disciplinary policy in imposing termination in the plaintiff's case.

Glenn v. Brumby, 663 F.3d 1312 (11th Cir. 2011). The plaintiff, a transgender female, brought a claim under 42 U.S.C. § 1983 alleging unlawful discrimination based on sex in violation of the Equal Protection Clause when she was terminated from her position with the Georgia General Assembly. Relying on Price Waterhouse and other Title VII precedent, the court concluded that the defendant discriminated against the plaintiff based on her sex by terminating her because she was transitioning from male to female. The court stated that a person is considered transgender "precisely because of the perception that his or her behavior transgresses gender stereotypes." As a result, there is "congruence" between discriminating against transgender individuals and discrimination on the basis of "gender-based behavioral norms." Because everyone is protected against discrimination based on sex stereotypes, such protections cannot be denied to transgender individuals. "The nature of the discrimination is the same; it may differ in degree but not in kind." The court further concluded that discrimination based on sex stereotypes is subject to heightened scrutiny under the Equal Protection Clause, and government termination of a transgender person for his or her gender nonconformity is unconstitutional sex discrimination. Although in this case the defendant asserted that it fired the plaintiff because of potential lawsuits if she used the women's restroom, the record showed that the plaintiff's office had only single-use unisex restrooms, and therefore there was no evidence that the defendant was actually motivated by litigation concerns about restroom use. The defendant provided no other justification for its action, and therefore, the plaintiff was entitled to summary judgment.

Barnes v. City of Cincinnati, 401 F.3d 729 (6th Cir. 2005). Plaintiff, who "was a male-to-female transsexual who was living as a male while on duty but often lived as a woman off duty [and] had a reputation throughout the police department as a homosexual, bisexual or cross-dresser," alleged he was demoted because of his failure to conform to sex stereotypes. The court held that this stated a claim of sex discrimination under Title VII.

Smith v. City of Salem, 378 F.3d 566 (6th Cir. 2004). The plaintiff alleged that he was suspended based on sex after he began to express a more feminine appearance and notified his employer that he would eventually undergo a complete physical transformation from male to female. The court held that Title VII prohibits discrimination against transgender individuals based on gender stereotyping. The court determined that discrimination against an individual for gender-nonconforming behavior violates Title VII irrespective of the cause of the behavior. The court reasoned that the "narrow view" of the term "sex" in prior case law denying Title VII protection to transgender employees was "eviscerated" by <a href="Price Waterhouse">Price Waterhouse</a>, in which the Supreme Court held that Title VII protected a woman who failed to conform to social expectations about how women should look and behave

Rosa v. Parks W. Bank & Trust Co., 214 F.3d 213 (1st Cir. 2000). Citing Title VII case law, the court concluded that a transgender plaintiff, who was biologically male, stated a claim of sex discrimination under the Equal Credit Opportunity Act by alleging that he was denied a loan application because he was dressed in traditionally female attire.

Schwenck v. Hartford, 204 F.3d 1187, 1201-02 (9th Cir. 2000). Citing Title VII case law, the court concluded that a transgender woman stated a claim of sex discrimination under the Gender Motivated Violence Act based on the perception that she was a "man who 'failed to act like one." The court noted that "the initial approach" taken in earlier federal appellate Title VII cases rejecting claims by transgender plaintiffs "has been overruled by the language and logic of <u>Price Waterhouse</u>."

Baker v. Aetna Life Ins., et al., \_\_ F. Supp. 3d \_\_, 2017 WL 131658 (N.D. Tex. Jan. 13, 2017). The court ruled that an employee stated a claim against her employer for sex discrimination in violation of Title VII based on denial of coverage under employer-provided health insurance plan for costs associated with surgery related to gender transition.

Mickens v. General Electric Co., No. 3:16CV-00603-JHM, 2016 WL 7015665 (W.D. Ky. Nov. 29, 2016). The court denied the employer's motion to dismiss a Title VII sex discrimination claim in which a transgender plaintiff alleged he was unlawfully denied use of the male bathroom close to his work station, and then was fired for attendance issues resulting from having to go to a bathroom farther away. He also alleged that once his supervisor learned of his transgender status, he was singled out for reprimands, and no action was taken in response to his reports of coworker harassment. Rejecting the employer's argument that discrimination based on transgender status is not actionable under Title VII, the court cited Sixth Circuit precedent recognizing that, in light of Price Waterhouse, the prohibition against gender discrimination in Title VII "can extend to certain situations where the plaintiff fails to conform to stereotypical gender norms." The court held that the complaint sufficiently pled a Title VII sex discrimination claim, noting that "[s]ignificantly, plaintiff alleges that GE both permitted continued discrimination and harassment against him and subsequently fired him because he did not conform to the gender stereotype of what someone who was born female should look and act like."

Roberts v. Clark Cty. Sch. Dist., No. 2:15-cv-00388-JAD-PAL, 2016 WL 5843046 (D. Nev. Oct. 4, 2016). Expressly adopting the EEOC's holdings in Macy and Lusardi, the court ruled that plaintiff, a transgender school police officer, was subjected to sex discrimination in violation of Title VII when he was told by his employer that he could not use either the men's or women's bathroom at work.

Doe v. Ariz., 2016 WL 1089743 (D. Ariz. Mar. 21, 2016). The plaintiff, a corrections officer, alleged the Department of Corrections violated Title VII's prohibition on sex discrimination based on gender identity when supervisors tolerated harassment of him and breached his confidentiality by informing prison inmates of his transition. Denying the employer's motion to dismiss, the court noted that the EEOC and courts have held that Title VII's sex discrimination provision prohibits workplace discrimination based on gender identity, and that the claim was described with sufficient clarity in the EEOC charge to render it exhausted.

Fabian v. Hosp. of Central Conn., 172 F. Supp. 3d 509 (D. Conn. 2016). Plaintiff, an orthopedic surgeon, brought a Title VII sex discrimination claim alleging she was not hired because she disclosed her identity as a transgender woman who would begin work after transitioning to presenting as female. Analyzing Title VII's legislative history and case law in extensive detail, the court held that Price Waterhouse abrogates the narrow view of 0Title VII's plain language that previously excluded sex discrimination claims by transgender individuals, citing supportive rulings by the 6th, 9th, and 11th Circuits, as well as the EEOC's decision in Macy. See also Adkins v. City of New York, 143 F. Supp. 3d 134 (S.D.N.Y. 2015) (allowing equal protection claim by transgender individual to proceed under 42 U.S.C. Section 1983).

Lewis v. High Point Regional Health Sys., 79 F. Supp. 3d 588 (E.D.N.C. 2015). Plaintiff, a certified nursing assistant, alleged she was denied hire for several positions because of her transgender status. At the time of her interviews, she was anatomically male, and was undergoing hormone replacement therapy in preparation for sex reassignment surgery in the future. The district court denied the employer's motion to dismiss the case because the employer had argued only that sexual orientation was not covered under Title VII and sexual orientation and gender identity are two distinct concepts. The court therefore allowed plaintiffs transgender discrimination claim to proceed under Title VII.

Finkle v. Howard Ctv., Md., 12 F. Supp. 3d 780 (D. Md. 2014). Denying the county's motion to dismiss or for summary judgment on a Title VII claim brought by a volunteer auxiliary police officer, the court ruled that the officer was an "employee" for Title VII purposes, and that her claim that she was discriminated against "because of her obvious transgendered status" raised a cognizable claim of sex discrimination. The court reasoned: "[I]t would seem that any discrimination against transsexuals (as transsexuals) - individuals who, by definition, do not conform to gender stereotypes - is proscribed by Title VII's proscription of discrimination on the basis of sex as interpreted by Price Waterhouse. As Judge Robertson offered in Schroer v. Billington, 577 F. Supp. 2d 293 (D.D.C. 2008), "[u]ltimately I do not think it matters for purposes of Title VII liability whether the Library withdrew its offer of employment because it perceived Schroer to be an insufficiently masculine man, an insufficiently feminine woman, or an inherently gender-nonconforming transsexual."

Parris v. Keystone Foods, 959 F. Supp. 2d 1291 (N.D. Ala. 2013), appeal dismissed, No. 13-14495-D (11th Cir. Dec. 26, 2013). Plaintiff, a transgender female, alleged that she was discharged from her job at a chicken processing facility because of her "gender non-conformity." The district court, citing Glenn v. Brumby, recognized that the plaintiff's claims were covered by Title VII's sex discrimination prohibitions, but granted summary judgment to the employer on the ground that plaintiff's comparator evidence and evidence of discriminatory remarks by coworkers did not show that her discharge was motivated by her gender identity as opposed to the legitimate non-discriminatory reason proffered by the employer.

Radtke v. Miscellaneous Drivers & Helpers Union Local #638 Health, Welfare, Eye, & Dental Fund, 867 F. Supp. 2d 1023 (D. Minn. 2012).

Assessing a claim under ERISA for wrongful termination of benefits to a legal spouse of a transgender individual, the court quoted the language from <a href="Smith v. City of Salem">Smith v. City of Salem</a> that the Supreme Court's decision in <a href="Price Waterhouse">Price Waterhouse</a> "eviscerated" the "narrow view" of "sex" articulated in earlier Title VII cases, and observed: "An individual's sex includes many components, including chromosomal, anatomical, hormonal, and reproductive elements, some of which could be ambiguous or in conflict within an individual."

Schroer v. Billington, 577 F. Supp. 2d 293 (D.D.C. 2008). The plaintiff, a transgender female, was offered a position as a terrorism research analyst before she had changed her name and begun presenting herself as a woman. After the plaintiff notified the employer that she was under a doctor's care for gender dysphoria and would be undergoing gender transition, the employer withdrew the offer, explaining that the plaintiff would not be a "good fit." The court stated that since the employer refused to hire the plaintiff because she planned to change her anatomical sex by undergoing sex reassignment surgery, the employer's decision was literally discrimination "because of ... sex." The court analogized the plaintiff's claim to one in which an employee is fired because she converted from Christianity to Judaism, even though the employer does not discriminate against Christians or Jews generally but only "converts." Since such an action would be a clear case of discrimination "because of religion," Title VII's prohibition of discrimination "because of sex." must correspondingly encompass discrimination because of a change of sex. The court concluded that decisions rejecting claims by transgender individuals "represent an elevation of 'judge-supposed legislative intent over clear statutory text," which is "no longer a tenable approach to statutory construction."

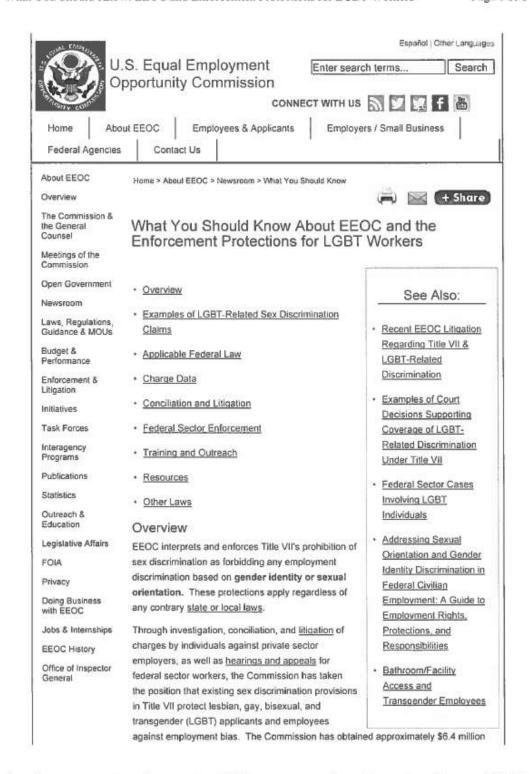
Lopez v. River Oaks Imaging & Diagnostic Grp., Inc., 542 F. Supp. 2d 653 (S.D. Tex. 2008). The plaintiff alleged that she was subjected to sex discrimination when the employer rescinded its job offer after learning that she was transgender. Denying the employer's motion for summary judgment, the court concluded that the plaintiff's claim was actionable as sex discrimination under Title VII on the theory that she failed to comport with the employer's notions of how a male should look. A finder of fact might reasonably conclude that the employer's statement that the job offer was rescinded because she had "misrepresented" herself as female reflected animus against individuals who do not conform to gender stereotypes.

Mitchell v. Axcan Scandipharm, Inc., No. 05-243, 2006 WL 456173, at \*2 (W.D. Pa. 2006). Plaintiff alleged sex-based harassment and termination in violation of Title VII after the employer learned that plaintiff had been diagnosed with gender identity disorder and plaintiff began presenting at work as a female after having presented as a male during the first four years of employment. Denying the employer's motion to dismiss, the court held that because the complaint "included facts showing that his failure to conform to sex stereotypes of how a man should look and behave was the catalyst behind defendant's actions, plaintiff has sufficiently pleaded claims of gender discrimination."

<u>Tronetti v. TLC HealthNet Lakeshore Hosp.</u>, No. 03-cv-375E, 2003 WL 22757935, at \*4 (W.D.N.Y. 2003). Relying on the reasoning in <u>Schwenck v. Hartford</u>, 204 F.3d 1187, 1201-02 (9th Cir. 2000), the court ruled that plaintiff's sex discrimination claims of hostile work environment harassment and discriminatory discharge arising from her transition and sex reassignment surgery were actionable under Title VII, based on factual allegations that she was discriminated against for "failing to act like a man." <u>See also Doe v. United Consumer Fin. Servs.</u>, No. 1:01-cv-1112, 2001 WL 34350174, at \*2-5 (N.D. Ohio 2001).

<u>Creed v. Family Express Corp.</u>, 101 Fair Empl. Prac. Cas. (BNA) 609, 2007 WL 2265630 (N.D. Ind. Aug. 3, 2007). The plaintiff, a transgender female, alleged facts permitting an inference that she was terminated because of gender stereotypes; specifically, that she was perceived by her employer to be a man while employed as a sales associate and was fired for refusing to present herself in a masculine way. <u>See also Hunter v. United Parcel Serv.</u>, 697 F.3d 697 (8th Cir. 2012) (affirming summary judgment for the employer under both Title VII and state law, the court did not rule that such discrimination was not actionable under Title VII, but rather that there was no evidence that the prospective employer knew or perceived that plaintiff was transgender during the job interview, and therefore a prima facie case of sex discrimination was not established).

Miles v. New York Univ., 979 F. Supp. 248, 249-50 (S.D.N.Y. 1997). Noting that the phrase "on the basis of sex" in Title IX is interpreted in the same manner as similar language in Title VII, the court held that a transgender female student could proceed with a claim that she was sexually harassed "on the basis of sex" in violation of Title IX.



in monetary relief for individuals, as well as numerous employer policy changes, in voluntary resolutions of LGBT discrimination charges under Title VII since data collection began in 2013. A growing number of <u>court decisions</u> have endorsed the Commission's interpretation of Title VII.

The information provided below highlights what you should know about EEOC's outreach and enforcement in this area.

#### Examples of LGBT-Related Sex Discrimination Claims

Some examples of LGBT-related claims that EEOC views as unlawful sex discrimination include:

- · Failing to hire an applicant because she is a transgender woman.
- · Firing an employee because he is planning or has made a gender transition.
- Denying an employee equal access to a common <u>restroom</u> corresponding to the employee's gender identity.
- Harassing an employee because of a gender transition, such as by intentionally
  and persistently <u>failing to use the name and gender pronoun that correspond to the
  gender identity with which the employee identifies</u>, and which the employee has
  communicated to management and employees.
- · Denying an employee a promotion because he is gay or straight.
- Discriminating in terms, conditions, or privileges of employment, such as providing
  a lower salary to an employee because of sexual orientation, or denying spousal
  health insurance benefits to a female employee because her legal spouse is a
  woman, while providing spousal health insurance to a male employee whose legal
  spouse is a woman.
- <u>Harassing</u> an employee because of his or her sexual orientation, for example, by derogatory terms, sexually oriented comments, or disparaging remarks for associating with a person of the same or opposite sex.
- Discriminating against or harassing an employee because of his or her sexual
  orientation or gender identity, in combination with another unlawful reason, for
  example, on the basis of transgender status and race, or sexual orientation and
  disability.

See <u>How to File a Charge of Employment Discrimination</u> for information about filing a Title VII charge of sex discrimination in employment related to gender identity or sexual orientation bias. There is a different <u>complaint process for federal</u> employees.

#### Applicable Federal Law

EEOC is responsible for enforcing federal laws that make it illegal to discriminate in employment against a job applicant, employee, or former employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. These federal laws also prohibit employers

https://www.acca.gov/acca/passaram/wash/anfaraamant protestions labt workers.cfm

2/9/2019

from retaliating against workers who oppose discriminatory employment practices for example, by reporting incidents of sexual harassment to their supervisor or human
resources department - or against those who participate in an employment
discrimination proceeding - for example by filing an EEOC charge, cooperating with
an EEOC investigation, or participating in an employment discrimination lawsuit.

While Title VII of the Civil Rights Act of 1964 does not explicitly include sexual orientation or gender identity in its list of protected bases, the Commission, consistent with Supreme Court case law holding that employment actions motivated by gender stereotyping are unlawful sex discrimination and other <u>court decisions</u>, interprets the statute's sex discrimination provision as prohibiting discrimination against employees on the basis of sexual orientation and gender identity.

Over the past several years the Commission has set forth its position in several published decisions involving federal employment. These decisions explain the legal basis for concluding that LGBT-related discrimination constitutes sex discrimination under Title VII, and give examples of what would be considered unlawful, in so ruling, the Commission has not recognized any new protected characteristics under Title VII. Rather, it has applied existing Title VII precedents to sex discrimination claims raised by LGBT individuals. The Commission has reiterated these positions through recent amicus curiae briefs and litigation against private companies.

#### Sex Discrimination - Transgender Status

In <u>Macy v. Dep't of Justice</u>, <u>EEOC Appeal No. 0120120821, 2012 WL 1435995 (April 20, 2012)</u>, the Commission held that intentional discrimination against a transgender individual because that person's gender identity is, by definition, discrimination based on sex and therefore violates Title VII.

The Macy decision explains that allegations of gender identity/transgender discrimination necessarily involve sex discrimination. Such cases can be viewed as sex discrimination based on non-conformance with gender norms and stereotypes under the Supreme Court's 1989 decision in Price Waterhouse v. Hopkins, and based on a plain reading of the statute's "because of ... sex" language.

Applying Macy, the Commission has also held that an employer's restrictions on a transgender woman's ability to use a common female restroom facility constitutes disparate treatment. 

Lusardi v. Dep't of the Army, EEOC Appeal No. 0120133395, 2015 WL 1607756 (Mar. 27, 2015), that intentional misuse of a transgender employee's new name and pronoun may constitute sex-based discrimination and/or harassment, Jameson v. U.S. Postal Service, EEOC Appeal No. 0120130992, 2013 WL 2368729 (May 21, 2013), and that an employer's failure to revise its records pursuant to changes in gender identity stated a valid Title VII sex discrimination claim, Complainant v. Dep't of Veterans Affairs, EEOC Appeal No. 0120133123, 2014 WL 1653484 (Apr. 16, 2014).

#### Sex Discrimination - Sexual Orientation

In <u>Baldwin v. Dep't of Transportation</u>, <u>EEOC Appeal No. 0120133080 (July 15, 2015)</u>, the Commission held that a claim of discrimination on the basis of sexual orientation necessarily states a claim of discrimination on the basis of sex under Title VII.

26 NN 27

The *Baldwin* decision explains that allegations of sexual orientation discrimination necessarily involve sex-based considerations. First, discrimination on the basis of sexual orientation necessarily involves treating an employee differently because of his or her sex. For example, a lesbian employee disciplined for displaying a picture of her female spouse can allege that an employer took a different action against her based on her sex where the employer did not discipline a male employee for displaying a picture of his female spouse. Sexual orientation discrimination is also sex discrimination because it is associational discrimination on the basis of sex. That is, an employee alleging discrimination on the basis of sexual orientation is alleging that the employer took the employee's sex into account by treating him or her differently for associating with a person of the same sex. Finally, discrimination on the basis of sexual orientation is sex discrimination because it necessarily involves discrimination based on gender stereotypes, including employer beliefs about the person to whom the employee should be attracted.

#### Charge Data

In FY 2015, EEOC received a total of 1,412 charges that included allegations of sex discrimination related to sexual orientation and/or gender identity/transgender status. This represents an increase of approximately 28% over the total LGBT charges filed in FY 2014 (1,100). EEOC resolved a total of 1,135 LGBT charges in FY 2015, including through voluntary agreements providing approximately \$3.3 million in monetary relief for workers and achieving changes in employer policies so that discrimination would not recur. This reflects increases of 34% in the number of resolutions over FY 2014 (847) and 51% in the amount of monetary relief over FY 2014 (\$2.19 million).

See our table of LGBT-based Sex Discrimination charges filed with EEOC.

#### Conciliation and Litigation

When the Commission finds reasonable cause to believe that discrimination has occurred, it seeks to resolve the matter voluntarily through informal means of conciliation, conference, and persuasion. If the Commission is unable to secure a voluntary resolution, it has authority to file suit in federal court. In several cases, the Commission has filed LGBT-related lawsuits under Title VII challenging alleged sex discrimination. Read about examples of pending and resolved EEOC litigation involving Title VII sex discrimination claims brought on behalf of LGBT individuals, as well as EEOC amicus briefs filed in suits brought by private individuals raising these issues.

#### Federal Sector Enforcement

In the federal sector, EEOC has implemented its priority for covering LGBT individuals in a variety of ways:

- · Tracking gender identity and sexual orientation appeals in the federal sector
- Issuing 20 <u>federal sector decisions</u> in FY 2015, including finding that gender identity-related complaints and sexual orientation discrimination-related complaints can be brought under Title VII through the federal sector EEO complaint process.

https://www.aaoo.gov/aaoo/paweroom/wwek/anforcement\_protectione\_leht\_workere.cfm

2/8/2018

For example, in Larita G. v. U.S. Postal Service, EEOC Appeal No. 0120142154 (Nov. 18, 2015), EEOC reversed the Agency's dismissal of a hostile work environment claim on the basis of sexual orientation because such an allegation is necessarily an allegation of sex discrimination under Title VII.

- Establishing an LGBT workgroup to further EEOC's adjudicatory and oversight responsibilities
- Issuing guidance, including <u>instructions for processing complaints</u> of discrimination by LGBT federal employees and applicants available on EEOC's public web site
- Providing technical assistance to federal agencies in the development of gender transition policies and plans
- Providing LGBT related outreach to federal agencies through briefings, presentations, and case law updates

#### Training and Outreach

EEOC is addressing LGBT legal developments in numerous outreach and training presentations to the public. During FY 2015, field office staff conducted more than700 events and reached over 43,000 attendees where LGBT sex-discrimination issues were among the topics discussed. In the federal sector during FY 2015, there were approximately 53 presentations delivered to over 4,400 federal sector audience members. These events reached a wide variety of audiences, including employee advocacy groups, small employer groups, students and staff at colleges and universities, staff and managers at federal agencies and human resource professionals. To assist in this outreach, EEOC is distributing a brochure, <a href="Preventing Employment Discrimination Against Lesbian, Gay, Bisexual or Transgender Employees">Preventing Employees</a>.

#### Resources

The Commission has issued various technical assistance publications on LGBT issues, including:

- Fact Sheet on Recent EEOC Litigation Regarding Title VII & LGBT-Related Discrimination, <a href="https://www.eeoc.gov/eeoc/litigation/selected/lgbt">www.eeoc.gov/eeoc/litigation/selected/lgbt</a> facts.cfm
- Examples of Court Decisions Supporting Coverage of LGBT-Related Discrimination Under Title VII, www.eeoc.gov/eeoc/newsroom/wysk/lgbt examples decisions.cfm
- Federal Sector Cases Involving LGBT Individuals, www.eeoc.gov/federal/reports/lgbt\_cases.cfm
- Brochure on Preventing Employment Discrimination Against Lesbian, Gay, Bisexual, or Transgender Employees, http://www.eeoc.gov/eeoc/publications/brochure-gender\_stereotyping.cfm.
- OPM-EEOC-OSC-MSPB Guide: Addressing Sexual Orientation and Gender Identity Discrimination in Federal Civilian Employment, <a href="https://www.opm.gov/LGBTGuide">www.opm.gov/LGBTGuide</a>

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2000 SS

· Bathroom/Facility Access and Transgender Employees, www.eeoc.gov/eeoc/publications/fs-bathroom-access-transgender.cfm

#### Useful resources from other agencies include:

- · OPM Guidance on Employment of Transgender Individuals www.opm.gov/policydata-oversight/diversity-and-inclusion/reference-materials/gender-identityguidance/
- · U.S. Department of Labor/OSHA Guide to Restroom Access for Transgender Workers, https://www.osha.gov/Publications/OSHA3795.pdf

#### Other Laws

#### Be aware of other laws that also may apply:

- · Federal contractors and sub-contractors are covered by a separate, explicit prohibition on transgender or sexual orientation discrimination in employment pursuant to Executive Order 13672 and implementing regulations issued and enforced by the U.S. Department of Labor's Office of Federal Contract Compliance. For more information, see Frequently Asked Questions on E.O. 13672 Final Rule, www.dol.gov/ofccp/LGBT/LGBT\_FAQs.html
- · State or local fair employment laws may explicitly prohibit discrimination based on sexual orientation or gender identity. Contact information for state and local fair employment agencies can be found on the page for EEOC's field office covering that state or locality. On the other hand, if a state or local law permits or does not prohibit discrimination based on sexual orientation or gender identity, the EEOC will still enforce Title VII's discrimination prohibitions against covered employers in that jurisdiction because contrary state law is not a defense under Title VII. Applicants and employees in those jurisdictions should contact the EEOC directly if they believe they have been subjected to sex discrimination based on sexual orientation or gender identity.

Note that the U.S. Department of Justice's position regarding Title VII's coverage of LGBT-related discrimination differs from that of the EEOC. See https://www.justice.gov/ag/page/file/1006981/download.

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https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement\_protections\_laht\_workers.cfm

2/8/2018

(Supervisor Evans left at 8:39 PM)

A motion was made by Supervisor Zima and seconded by Vice Chair Lund "to suspend the rules to take Item #10(I) before Item#10(k)." Voice vote taken. Motion carried.

No. 10I -- RESOLUTION RE: PUBLIC WORKS RULE PW-10 (SPECIALTY PAY) WITH OVERTIME PAY RETROACTIVE TO 01-01-2018 PROVISION AND WITHOUT CRITICAL REVENUE PROVISION

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, Public Works Rule PW-10 ("PW-10," copy attached) currently does not limit Department Head managerial discretion regarding whether or not to send employees home once they have worked 40 hours in a given work week, and

**WHEREAS**, it is desirable to require that PW-10 also include a provision that overtime paid pursuant to PW-10 be retroactive to 01-01-2018, and

**WHEREAS**, it is not desirable to require that PW-10 also include a provision that employees will not be involuntarily sent home after 40 hours of work if there is critical revenue generating work to be done for the state and/or municipalities.

**NOW, THEREFORE, BE IT RESOLVED** that the Brown County Board of Supervisors hereby requires that Public Works Rule PW-10 include a provision that overtime paid pursuant to PW-10 be retroactive to 01-01-2018.

Fiscal Note: This resolution does not require an appropriation from the General Fund. Increase in Extra Pay will be offset by decrease in Overtime Pay.

Respectfully submitted,

**EXECUTIVE COMMITTEE** 

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by Corporation Counsel

Final draft approved by Corporation Counsel

A motion was made by Supervisor Zima and seconded by Supervisor Sieber "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

### **ATTACHMENTS TO RESOLUTION #10L**

### ON THE FOLLOWING PAGES

#### PUBLIC WORKS DEPARTMENT





2198 GLENDALE AVENUE GREEN BAY, WI 54303

PHONE (920) 492-4925 FAX (920) 434-4576 EMAIL: bc\_highway@co.brown.wi.us

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: 02-08-2018

REQUEST TO: Executive Committee and County Board MEETING DATE: 02-12-2018, and 02-21-2018, respectively REQUEST FROM: David Hemery, Corporation Counsel

per the request of PD&T Committee and Paul Fontecchio

□New ordinance □Revision to ordinance

TITLE: RESOLUTION REGARDING PUBLIC WORKS RULE PW-10 (SPECIALTY

PAY) WITH OVERTIME PAY RETROACTIVE TO 01-01-2018 PROVISION

AND WITHOUT CRITICAL REVENUE PROVISION

#### ISSUE/BACKGROUND INFORMATION:

Resolution regarding making Public Works Rule PW-10 overtime retroactive to 01-01-2018, <u>AND NOT</u> adding a Critical Revenue Provision

#### ACTION REQUESTED:

Pass Resolution

#### FISCAL IMPACT:

NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

- Is there a fiscal impact? 

  ☐Yes 

  No
  - a. If yes, what is the amount of the impact?
  - b. If part of a bigger project, what is the total amount of the project?

c. Is it currently budgeted? ☐ Yes ☑ No

- 1. If yes, in which account?
- If no, how will the impact be funded? <u>Increase in Extra Pay will be offset by</u> decrease in Overtime Pay

#### □ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

#### SPECIALTY PAY

#### **Facilities**

- The night differential pay for facility employees shall be \$1.00 per hour for work performed from 7 PM to 6 AM.
- . The foreman/lead worker pay shall be \$1.00 per hour.

#### Highway

#### Year Round:

- · The foreman/lead worker pay shall be \$2.00 per hour.
- Per Brown County ordinance 4.49 (2), the Emergency Response Crew (ERC) employees shall receive stand-by pay at a rate of \$100 per week.

#### Winter Plowing Season

(2<sup>nd</sup> Sunday of November to the Saturday before the 2<sup>nd</sup> Sunday of April):

- All hours worked outside of an employee's regular shift shall be paid at time and one half
  their regular rate of pay regardless of the total number of hours worked in the week. The
  regular shift for highway crew, mechanics, and electrician is set at 7 AM to 3 PM, with
  the exception of the highway crew employees assigned 'night watchmen' duties, whose
  regular shift is from 11 PM to 7 AM.
- The 'night watchman' shall receive a \$2.00 per hour night differential for their regular 11 PM to 7 AM shift during the winter plowing season.

#### Non-Winter Plowing Season

(2<sup>nd</sup> Sunday of April to the Saturday before the 2<sup>nd</sup> Sunday of November):

- Employees called in for an emergency during Memorial Day week, Fourth of July week, and Labor Day week shall receive compensation at time and one half their regular rate of pay for the emergency incident outside of normal work hours.
- . The night differential pay shall be \$2.00 per hour from 7 PM to 6 AM.

# No. 10k -- RESOLUTION RE: PUBLIC WORKS RULE PW-10 (SPECIALTY PAY) WITH OVERTIME PAY RETROACTIVE TO 01-01-2018 PROVISION AND WITH CRITICAL REVENUE PROVISION

A motion was made by Supervisor Zima and seconded by Vice Chair Lund "to receive and place on file." Voice vote taken. Motion carried unanimously with no abstentions.

# No. 10m -- RESOLUTION OPPOSING LEGISLATION SIGNIFICANTLY ALTERING THE BALANCE OF POWER BETWEEN COUNTY EXECUTIVES AND BOARDS

TO THE HONORABLE CHAIRMAN AND MEMBERS
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, recent Bills have been introduced in the Wisconsin Senate and Assembly that, if enacted, would significantly alter the balance of power between County Executives and County Boards in Wisconsin; and

WHEREAS, such Bills include, but are not limited to, 2017 SB 777, 2017 AB 923, LRB5135/1 and LRB5135/2; and

**WHEREAS**, it is desired that, prior to *any* such proposed legislation being voted upon and becoming law, the 72 Wisconsin Counties, through their boards, officers and corporation counsels, <u>and</u> the Wisconsin Counties Association, both be afforded ample time and opportunity to provide input on said legislation.

**NOW, THEREFORE, BE IT RESOLVED** that the Brown County Board of Supervisors hereby opposes *any* legislation that would significantly alter the balance of power between County Executives and County Boards in Wisconsin, and will continue to do so unless and until such time as the 72 Wisconsin Counties, through their boards, officers and corporation counsels, <u>and</u> the Wisconsin Counties Association, are both afforded ample time and opportunity to provide input on said legislation.

**BE IT FURTHER RESOLVED** that the County Clerk shall forward a copy of this Resolution to the Wisconsin Governor, Wisconsin Counties Association, State Representatives and State Senators representing the Brown County area.

Fiscal Note: This resolution does not require an appropriation from the General Fund. The cost to carry out the resolution is \$5.98 and can be covered with the department's current budget.

Respectfully submitted,
EXECUTIVE COMMITTEE
Date: <u>02/28/2018</u>

A motion was made by Vice Chair Lund and seconded by Supervisor Lefebvre "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

#### **Executive Committee and Planning, Development & Transportation Committee**

No. 10n -- RESOLUTION REGARDING RECLASSIFICATION OF THE LTE-GARDEN
BLITZ COORDINATOR POSITION IN THE UW-EXTENSION TABLE OF
ORGANIZATION, AND AMENDING THE POSITION DESCRIPTION

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, the UW-Extension ("Department") table of organization currently includes a 0.15 FTE LTE-Garden Blitz Coordinator position that is fully funded by NEW Leaf, Inc.; and

WHEREAS, this Position works corroboratively with NEW Leaf, Inc. and other local organizations and community volunteers to coordinate the Green Bay Garden Blitz project to install raised garden beds and provide gardening support to the community in order to increase access to healthy, local foods. This Position is responsible for working with the steering committee, volunteer recruitment and management, communications, box sales, and the actual building and installation of garden beds; and

**WHEREAS**, NEW Leaf, Inc. has requested to reclassify the Position from 0.15 FTE (309 hours) at \$9.00 per hour to 0.12 FTE (250 hours) at \$12.00 per hour; and

WHEREAS, Human Resources in conjunction with UW-Extension recommends, for the above-stated reasons, the reclassification of the LTE-Garden Blitz Coordinator position in the UW-Extension table of organization from 0.15 FTE at \$9.00 per hour to 0.12 FTE at \$12.00 per hour; and

**WHEREAS**, Human Resources also recommends that the Position Description be amended to remove any reference to soliciting, as reflected in the attached Position Description, and

**WHEREAS**, should the funding be eliminated, the Position will end and be eliminated from the UW-Extension table of organization.

**NOW, THEREFORE, BE IT RESOLVED** by the Brown County Board of Supervisors, that the reclassification of 0.15 FTE LTE-Garden Blitz Coordinator position at \$9.00 per hour in the UW-Extension table of organization to a 0.12 FTE LTE-Garden Blitz Coordinator at \$12.00 per hour is hereby approved, and that the Position Description is hereby amended to remove any solicitation references as reflected in the attached Position Description; and

**BE IT FURTHER RESOLVED**, that, should the funding for this Position end, said Position will end and be eliminated from the UW-Extension table of organization.

Budget Impact:

UW-Extension

Annualized Budget Impact	Annual Hours	FTE	Addition/ Deletion	Salary	Fringe	Total
LTE-Garden Blitz Coordinator  @ \$9.00/hour	309	0.15	Deletion	(\$2,726)	(\$274)	(\$3,000)
LTE-Garden Blitz Coordinator @ \$12.00/hour	250	0.12	Addition	\$2,726	\$274	\$3,000
Annualized Budget Impact						-0-

Fiscal Note: This resolution has no fiscal effect and therefore does not require an appropriation from the General Fund.

Respectfully submitted,

PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE EXECUTIVE COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by Human Resources Approved by Corporation Counsel

A motion was made by Supervisor Dantinne and seconded by Supervisor Landwehr "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

# ATTACHMENTS TO RESOLUTION #10N ON THE FOLLOWING PAGES

#### HUMAN RESOURCES DEPARTMENT

# Brown County



305 E. WALNUT STREET P.O. BOX 23600 GREEN BAY, WI 54305-3600

Kathryn Roellich

PHONE (920) 448-4071 FAX (920) 448-6277 WEB: www.co.brown.wi.us

Human Resources Director

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE:	January 10, 2018
REQUEST TO:	PD&T Committee; Executive Committee; and Board of Supervisors
MEETING DATE:	January 22, 2018; February 12, 2018; February 21, 2018
REQUEST FROM:	Kathryn Roellich Human Resources Director
REQUEST TYPE:	<ul> <li>☑ New resolution</li> <li>☐ New ordinance</li> <li>☐ Revision to resolution</li> <li>☐ Revision to ordinance</li> </ul>
	Regarding Reclassification of the LTE-Garden Blitz Coordinator Position in the sion Table of Organization and Amending the Position Description
to reclassify the posit	ND INFORMATION:  z Coordinator position is fully funded by NEW Leaf, Inc. The funder has requested ion, and the position description needs to be amended to remove any duties as reflected in the attached Position Description.
Blitz Coordinator pos	LTE-Garden Blitz Coordinator position at \$9.00 per hour to 0.12 FTE LTE-Garden ition at \$12.00 per hour in the UW-Extension table of organization. Also, the eeds to be amended to remove any duties involving solicitation, as reflected in the
FISCAL IMPACT: NOTE: This fiscal impac	st portion is initially completed by requestor, but verified by the DOA and updated if necessary.
1. Is there a fiscal i	mpact?   Yes  No Fully funded by NEW Leaf, Inc.
a. If yes, what	is the amount of the impact? §
b. If part of a b	igger project, what is the total amount of the project?
	n which account?
Z. 11 110, 110	ow will the impact be funded?
☑ COPY OF RESOL	UTION OR ORDINANCE IS ATTACHED

#### BROWN COUNTY POSITION DESCRIPTION

POSITION TITLE: LTE - GARDEN BLITZ COORDINATOR

REPORTS TO: COMMUNITY GARDEN COORDINATOR

DEPARTMENT: UW-EXTENSION

#### JOB SUMMARY:

This position will work collaboratively with Brown County UW-Extension, New Leaf Foods, Inc. and other local organizations and community volunteers to coordinate the Green Bay Garden Blitz. The Garden Blitz Project installs raised garden beds and provides gardening support to the community, in order to increase access to healthy, local foods. This position will be responsible for coordinating and overseeing the Blitz which includes working with the steering committee, fundraising, volunteer recruitment and management, communications, box sales, as well as the actual building and installation of garden beds which takes place over a weekend in the spring.

#### ESSENTIAL DUTIES:

#### Solicits sponsors and funding for Garden Blitz.

Works with committee to coordinate tasks.

Recruits committee chair persons and oversees activities of committees.

Provides leadership to the Garden Blitz.

Ensure all supplies are purchased and all equipment procured prior to start of the event.

Ensures all logistics for event are coordinated.

Ensures communication to volunteers, sponsors, and garden box recipients is accurate and distributed in a timely manner.

Promotes the Garden Blitz via social media and print media as well at local events and community meetings.

Maintains records and completes final reports as requested.

Provides project updates in a timely manner with New Leaf and UW-Extension.

Recruits low income and diverse individuals and families to participate in the Blitz.

#### NON-ESSENTIAL DUTIES:

Performs related functions as assigned

#### MATERIALS AND EQUIPMENT USED:

General office equipment Computer

#### MINIMUM QUALIFICITONS REQUIRED:

#### **Education and Experience:**

Bachelor's Degree preferred but not required. Successful experience in event planning and fundraising. Knowledge of gardening. Experience recruiting and training volunteers preferred; or any equivalent combination of education, training and experience which provides the necessary knowledge, skills and abilities.

#### Licenses and Certifications:

Valid Wisconsin Driver's License

#### Knowledge, Skills and Abilities:

High level of organization, leadership, communication and marketing.

Ability to assist in seeking funds and donations of materials and supplies.

Ability to work well as a member of the team.

Knowledge of gardening.

Ability to maintain, revise and work within a budget.

Ability to understand, motivate and work effectively with volunteers.

Expertise in coordinating complex events.

Ability to plan, promote, implement, evaluate, and report on the Garden Blitz.

Ability to establish and maintain effective working relationships with New Leaf and UW-Extension.

Knowledge of and ability to utilize a computer and required software including Word, Excel, and Power Point.

Ability to communicate effectively both orally and in writing.

Ability to use social media.

Experience with graphic design and website management.

Ability to prepare reports.

Ability to make individual arrangements for transportation adequate to meet position responsibilities and essential job functions.

Ability to work evenings and weekends including the Blitz weekend (May3-6, 2018).

#### Administrative Accountability:

The Garden Blitz Coordinator will be accountable to the Brown County UW-Extension Community Garden Coordinator for programmatic leadership and the Brown County UW-Extension Department Head for administrative issues.

#### PHYSICAL DEMANDS:

Lifting 50 pounds plus maximum with frequent lifting and/or carrying of objects weighing up to 10 pounds.

Intermittent standing, walking, and sitting; occasionally driving.

Working in a variety of weather conditions.

Using hand(s)/feet for repetitive single grasping, fine manipulation, pushing and pulling, and operating controls.

Occasional bending, twisting, squatting, climbing, reaching, and grappling.

Communicating orally in a clear manner.

Distinguishing sounds at various frequencies and volumes.

Distinguishing people or objects at varied distances under a variety of light conditions.

Withstanding temperature changes in the work environment.

This position description should not be interpreted as all-inclusive. It is intended to identify the major responsibilities and requirements of this job. The incumbents may be requested to perform job-related responsibilities and tasks other than those stated in this description.

NEW: 9/2017

# No. 10o -- AN ORDINANCE CREATING SECTION 4.315 OF CHAPTER 4 OF THE BROWN COUNTY CODE OF ORDINANCES WITH LANGUAGE AS DIRECTED BY EXECUTIVE COMMITTEE

THE BROWN COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

<u>Section 1</u> - Section 4.315 of Chapter 4 of the Brown County Code of Ordinances is hereby created as follows:

4.315 INTERVIEWS. Current County employees interviewing for other positions with the County of Brown, both within and outside of their current Department, shall not receive compensation for time spent in interviews, but said employees may, subject to Departmental Policy and approval, use accrued benefit time, such as but not limited to, Personal/Vacation/Casual time for interviewing.

<u>Section 2</u> - This Ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted,

EXECUTIVE COMMITTEE

Planning, Development & Transportation Committee

#### Approved By:

/s/ Troy Streckenbach COUNTY EXECUTIVE	2/28/2018 (Date)
/s/ Sandra L. Juno COUNTY CLERK	2/26/2018 (Date)
/s/ Patrick W. Moynihan, Jr. COUNTY BOARD CHAIR	<u>2/27/2018</u> (Date)

Authored by: Human Resources

Reviewed, Edited and Approved by Corporation Counsel

As revised by the Brown County Board of Supervisors at their Meeting on 02-21-2018

Fiscal Impact: This ordinance does not require an appropriation from the General Fund.

It was brought to the Chairman's attention that Item #100 was not pertinent to the Special Planning, Development & Transportation Committee Meeting and therefore should be removed from the ordinance.

A motion by substitution made by Supervisor Erickson and seconded by Supervisor Van Dyck "to strike language referencing Planning, Development & Transportation Committee on Item #10o." Voice vote taken. Motion carried unanimously with no abstentions.

A motion was made by Vice Chair Lund and seconded by Supervisor Buckley "to approve as amended." Roll call vote taken.

Roll call Vote #10o(1):

Ayes: Nicholson, Hoyer, Gruszynski, Erickson, Zima, Vander Leest, Buckley,

Landwehr, Dantinne, Brusky, Ballard, Kaster, Van Dyck, Linssen, Clancy,

Campbell, Moynihan, Schadewald, Lund, Becker

Nayes: Sieber, De Wane, Lefebvre

Absent: Evans, Kneiszel

Total Ayes: 20 Total Nayes: 3 Total Absent: 2

Motion carried.

#### Planning, Development & Transportation Committee

No. 10p -- RESOLUTION APPROVING THREE-YEAR STATEMENT OF INTENTIONS
FOR WISCONSIN DEPARTMENT OF TRANSPORTATION'S HARBOR
ASSISTANCE PROGRAM

TO THE HONORABLE CHAIRMAN AND MEMBERS OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, the attached Three-Year Harbor Development Statement of Intentions describes proposed improvements which are in the best interest of the Port of Green Bay; and

**WHEREAS**, the Wisconsin Department of Transportation, in accordance with state statute, requires a statement of project intentions from local units of government intending to apply for federal and/or state aid related to harbor work of benefit to commercial transportation within the next three years; and

**WHEREAS,** the Harbor Commission and the Planning, Development and Transportation Committee have carefully reviewed the estimated project costs, funding sources, physical locations and alternatives to the proposed projects; and

**WHEREAS**, the total local matching funds required for the projects indicated as being funded through the Wisconsin Department of Transportation's Harbor Assistance Program range from twenty (20%) percent to fifty (50%) percent; and

**WHEREAS,** this Three-Year Harbor Development Statement of Intentions is used by the Wisconsin Department of Transportation for planning purposes only and is not a petition for federal and/or state aid.

**NOW THEREFORE, BE IT RESOLVED** by the Brown County Board of Supervisors that it hereby approves the attached Harbor Development Statement of Intentions.

Respectfully submitted,

PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 02/28/2018

Authored by: Port & Resource Recovery Department

Final Draft Approved by Corporation Counsel

<u>Fiscal Note</u>: This Resolution does not require an appropriation from the General Fund. This is an enabling Resolution for the County to apply for funds through the Wisconsin Department of Transportation's Harbor Assistance Program and is for planning purposes.

A motion was made by Supervisor Erickson and seconded by Supervisor Campbell "to adopt." Voice vote taken. Motion carried unanimously with no abstentions.

# ON THE FOLLOWING PAGES

#### PORT & RESOURCE RECOVERY DEPARTMENT



2561 SOUTH BROADWAY GREEN BAY, WI 54304

DEAN HAEN

PHONE: (920) 492-4950 FAX: (920) 492-4957

DIRECTOR

#### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE:	January 2, 2018	
REQUEST TO:	Planning, Developme	ent and Transportation Committee
MEETING DATE:	1/22/2018	
REQUEST FROM:	Dean R. Haen, Direc	ctor
REQUEST TYPE:	x New resolution  ☐ New ordinance	☐ Revision to resolution ☐ Revision to ordinance
TITLE: Annual Resol	lution requirement as pa	art of the WDOT Harbor Assistance Grant program
ISSUE/BACKGROU Assistance Grant pro		nnual Resolution requirement as part of the WDOT Harbor
ACTION REQUESTS Approval	ED:	
FISCAL IMPACT: NOTE: This fiscal impact	ct portion is initially complet	ed by requestor, but verified by the DOA and updated if necessary.
Is there a fiscal i	mpact? Yes x	No
a.lf yes, wha	at is the amount of the in	mpact?
b. If part of a	bigger project, what is	the total amount of the project? \$ 0
c. Is it curre	ntly budgeted?	☐ Yes ☐No
1. If yes	s, in which account?	
2. If no,	how will the impact be	funded?
x□ COPY OF RESO	LUTION OR ORDINAN	ICE IS ATTACHED

Port of Green Bay Harbor Name

Brown County
Responsible Local Unit of Government
(County, City, Village or Town)

Due: April 1, 2018
Send to: WisDOT
Bureau of Railroads & Harbors
P. O. Box 7914
Madison, Wisconsin 53707-7914

Christian Zuidmulder, C. Reiss Coal Date: January 31, 2018

Improvements Proposed in Calendar Year 2018

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL. TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

# Project Name: Phase 3 Bulkhead Restoration Project

The refurbishment of approximately 1,300 ft. of dockwall in order to continue operations along the Fox River. The improvements to the dock will allow The C. Reiss Coal Co. to continue to receive vessel deliveries of bulk materials which is an essential function of our operations within the Port of Green Bay.

100		PART III Rank & Probability
PART II Project Resources  Expected Funding Sources (All types)	Amount	(a) Of the projects listed for the
Expected Funding Sources (All Spee)		year noted above, this project is of 1st priority to the
(a) WDOT (80%)	\$2,400,000	applicant.
(b) Brown County (20%)	\$ 600,000	
(C. Reiss Coal)		(b) The estimated probability of this project being started in
(c) Others		year noted above is:
		(Circle One) High
(d)	\$3 million	Medium
	Total	Low
		Prepared By: Dean Haen, Director
		The Contract of Contract Contr

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Due: April 1, 2018 Send to: WDOT

Bureau of Railroads & Harbors

P. O. Box 7914

Madison, Wisconsin 53707-7914

GREEN BAY Harbor Name

#### Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2018

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL

TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

PART I Project Description and Objective(s)

#### Project Name: Limestone Storage and Rail Loading Facility

GLC Minerals will expand their limestone storage and rail loading ability upon Port property. The project will consist of a installing a rail spur and storage silos

PART II Project Resources		PART III Rank & Probabili
Expected Funding Sources (All types)	Amount	<ul> <li>(a) Of the projects listed for the year noted above, this project</li> </ul>
(a) WDOT (80%)	\$1,600,000	is of 2nd priority to the applicant.
(b) Brown County (20%) (GLC Minerals)	\$ 400,000	V: ★.★C29,9700000
(c) Others		(b) The estimated probability of this project being started in year noted above is:
(d)		(Circle One) High
	\$ 2,000,000	Medium
	Total	Low

Prepared By: Dean Haen, Director Holly Bellmund, GLC Minerals, LLC Date: January 31, 2018

10p

Due: April 1, 2018 Send to: WisDOT Bureau of Railroads & Harbors P. O. Box 7914 Madison, Wisconsin 53707-7914

#### Port of Green Bay

Harbor Name

Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Land Owner McDonald Lumber Co, INC. 2020 Angie Ave. Green Bay WI 54302

Improvements Proposed in Calendar Year 2018

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

Project Name: McDonald Warehouse Development

The Marinette Marine Corporation is proposing to build Maneuver Support Vehicle (MSV) as part of a Federal Contract. The project site is located at 701 Bay Beach Rd. Green Bay, W1 54302. The project would bring an economic benefit to the State of Wisconsin, and provide a facility that could be used for additional contract opportunities in the future. The project includes the construction of a ramp, associated facilities, loading equipment, launching equipment, dock and seawall construction, electrical, water, lighting and dredging.

PART II Project Resources		PART III Rank	& Probability	
Expected Funding Sources (All types)	Amount	(a) Of the projects listed for the year noted above, this project		
(a) WDOT HAP (80%)	\$2,400,000	is of 3rd priority to applicant.		
(b) Brown County (20%) (MMC/MLC)	\$ 600,000	(b) The estimated probability of this project being started in		
(c) Others		year noted above is:		
(d)	\$3,000,000	(Circle One)	High Medium	
	Total		Low	

Prepared By: Dean Haen, Director
Chester McDonald, Owner
Date: January 31, 2018

10p

Due: April 1, 2018 Send to: WDOT Bureau of Railroads & Harbors P. O. Box 7914 Madison, Wisconsin 53707-7914

Port of Green Bay Harbor Name

#### Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2018

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL

TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

#### PART I Project Description and Objective(s)

Purchase of a large to medium/large material handler. The addition of this type of equipment has the potential to add additional products/business through the Fox River Terminals facility.

PART II Project Resources		PART III Rank & Probability
Expected Funding Sources (All types)	Amount	(a) Of the projects listed for the year noted above, this project
(a) WDOT (80%)	\$1,200,000	is of 4th priority to the applicant.
(b) Brown County (20%) (Fox River Terminal)	\$300,000	
c) Others		(b) The estimated probability of this project being started in year noted above is:
(d)		(Circle One) High
	\$1,500,000	Medium
	Total	Low

Prepared By: <u>Dean Haen, Director</u> <u>Rvan Beauparlant, Fox River Terminals</u> <u>Date: January 31, 2018</u>

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Due: April 1, 2018
Send to: WDOT
Bureau of Railroads & Harbors
P. O. Box 7914
Madison, Wisconsin 53707-7914

GREEN BAY Harbor Name

Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2018

Instructions:

Complete one of these sheets for each project contemplated in calendar 2018,

2019 and 2020. Include only those projects that benefit COMMERCIAL

TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

PART I Project Description and Objective(s)

Project Name: Conveyance System

GLC Minerals install an overhead or underground two (2) way conveyance system to move cargo from existing property with water access to property with a manufacturing facility on Bylsby Avenue.

PART II Project Resources		PART III Rank & Probability
Expected Funding Sources (All types)	Amount	<ul> <li>(a) Of the projects listed for the year noted above, this project</li> </ul>
(a) WDOT (80%)	\$4,000,000	is of <u>5th</u> priority to the applicant.
(b) Brown County (20%) (GLC Minerals)	\$1,000,000	
(CISC SAMELINS)		(b) The estimated probability of
(c) Others		this project being started in year noted above is:
(d)		(Circle One) High
776	\$ 5,000,000	Medium
	Total	Low

Prepared By: <u>Dean Haen, Director</u> <u>Holly Bellmund, GLC Minerals, LLC</u> <u>Date</u>: <u>January 31, 2018</u>

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Due: April 1, 2018 Send to: WDOT Bureau of Railroads & Harbors P. O. Box 7914 Madison, Wisconsin 53707-7914

GREEN BAY Harbor Name

### Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2018

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

### Project Name: Connect Prairie Ave to Hurlbut Ct. Relocate Bylsby Ave

The Port of Green Bay in cooperation with GLC Minerals, WE Energies, Fox River Dock Company and others would reconstruct Bylsby Avenue in a SW-NE orientation connecting Prairie Ave. with Hurlbut Ct. This would improve connectivity and travel between the Port, 1-43 interchange and downtown Green Bay. Additionally, port terminals currently located along Bylsby Avenue would increase in acreage and commercial transportation capabilities.

PART II Project Resources		PART III Rank & Probability
Expected Funding Sources (All types)	Amount	<ul> <li>(a) Of the projects listed for the year noted above, this project</li> </ul>
(a) WDOT (80%)	\$12,000,000	is of <u>6th</u> priority to the applicant.
(b) Brown County (20%) (Green Bay, and area businesses) (c) Others	\$ 3,000,000	(b) The estimated probability of this project being started in year noted above is:
(d)	\$ 15,000,000 Total	(Circle One) High Medium Low

Prepared By: Dean Haen, Director
Date: January 31, 2018

10.

Due: April 1, 2018
Send to: WDOT
Bureau of Railroads & Harbors
P. O. Box 7914
Madison, Wisconsin 53707-7914

Port of Green Bay Harbor Name

Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2018

Instructions: Complete one of these sheets for each project contemplated in calendar 2018,

2019 and 2020. Include only those projects that benefit COMMERCIAL

TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

PART I Project Description and Objective(s)

Project Name: Dockwall Improvements at KK Integrated Logistics, Inc.

KK Integrated Logistics, Inc. utilizes dock wall property for delivery of pulp, other forest products and raw materials for NE WI customers. The dock wall requires stabilization, sheeting, and tie back wall repairs to support the offloading of these vessels. Approximately 200° of dock wall requires repairs to sheeting, ground and surface stabilization, and tie back wall structural support with a cost estimated at \$320,000.

PART	II Project Resources		PART III Rank & Probability
Expec	ted Funding Sources (All types)	Amount	<ul> <li>(a) Of the projects listed for the year noted above, this project</li> </ul>
(a)	Wisconsin DOT HAP (80%)	\$ 256,000	is of 7th priority to the applicant.
(b)	Brown County (20%)	\$ 64,000	180
	(KK Integrated Logistics, Inc.)		(b) The estimated probability of
(c)			this project being started in year noted above is:
(d)			(Circle One) High
4.4		\$ 320,000	Medium
		Total	Low

Prepared By: <u>Dean Haen, Director</u>
<u>Cynthia Feller-Kuber, KK</u>
<u>Integrated Logistics, Inc.</u>
Date: <u>January 31, 2018</u>

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Due: April 1, 2018 Send to: WDOT Bureau of Railroads & Harbors P. O. Box 7914

Madison, Wisconsin 53707-7914

Port of Green Bay Harbor Name

Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2019

Instructions:

Complete one of these sheets for each project contemplated in calendar 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL

TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

PART I Project Description and Objective(s)

#### Project Name: West Shore Port Terminal

Acquire river front property along Fox River presently owned by We Energies for creation of a port terminal facility that would be available for new port operations. The project would include razing building, brownfield clean-up, filling in old slip, construction of 1,050 ft of new dock wall and dredging.

PART II Project Resources		PART III Rank & Probability
Expected Funding Sources (All types)	Amount	(a) Of the projects listed for the
(a) WI DOT HAP (80%)	\$10,000,000	year noted above, this project is of <u>lst</u> priority to the
(b) Brown County (20%)	\$ 2,000,000	applicant.
(c)		(b) The estimated probability of this project being started in year noted above is:
(d)	\$17,000,000 Total	(Circle One) High Medium

Prepared By: Dean Haen, Director Date: January 31, 2018

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Due: April 1, 2018 Send to: WDOT Bureau of Railroads & Harbors P. O. Box 7914 Madison, Wisconsin 53707-7914

Port of Green Bay Harbor Name

#### Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

#### Improvements Proposed in Calendar Year 2019

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

#### PART I Project Description and Objective(s)

#### Project Name: Graymont North Dock Wall

Rehabilitation of existing dock wall, to include major repairs to dock face, 920 feet of renewed sheet piling, replacing sheet anchors, replacing outside bumper guards, and installing new pavement between the dock wall and the new warehouse facility to facilitate across dock loading and unloading of commercial bulk product.

PART II Project Resources		PART III Rank & Probability
Expected Funding Sources (All types)	Amount	(a) Of the projects listed for the
(a) WI DOT HAP (80%)	\$856,000	year noted above, this project is of <u>2nd</u> priority to the applicant.
(b) Brown County (20%)	\$214,000	applicant
(Graymont.)		(b) The estimated probability of
(c)		this project being started in year noted above is:
(d)		(Circle One) High
(4)	\$1,070,000	Medium
	Total	Low

Prepared By: Dean Haen, Director Jared Senn, Graymont Date: January 31, 2018

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Due: April 1, 2018 Send to: WDOT Bureau of Railroads & Harbors P. O. Box 7914 Madison, Wisconsin 53707-7914

Port of Green Bay Harbor Name

### Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2019

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall construction.

PART I Project Description and Objective(s)

#### Project Name: East Shore Public Port Terminal

Purchase river front property 300° x 1600° along Fox River, presently owned by Green Bay Packaging, Inc., Proctor & Gamble, and Georgia-Pacific for creation of a public terminal facility. Construction of 1,000 lf of dock wall along Green Bay Packaging, Inc., including major dock face, sheet piling, anchors, bumper guards. Construction of an access road from the river front to Quincy Avenue along Interstate Highway 43 through Green Bay Packaging, Inc., property. Relocate Georgia-Pacific intake clarifier. Remove old railroad tracks and prepare property for port commerce.

PART II Project Resources		PART III Rank & Probabilit
Expected Funding Sources (All types)	Amount	(a) Of the projects listed for the
(a) WI DOT HAP (80%)	\$8,000,000	year noted above, this project is of <u>3rd</u> priority to the
(b) Brown County (20%)	\$2,000,000	applicant.
		(b) The estimated probability of
(d)		this project being started in year noted above is:
(d)		(Circle One) High
	\$10,000,000	Medium
	Total	Low

Prepared By: Dean Haen, Director
Date: January 31, 2018

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Due: April 1, 2018 Send to: WDOT Bureau of Railroads & Harbors P. O. Box 7914 Madison, Wisconsin 53707-7914

Port of Green Bay Harbor Name

Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2020

Instructions:

Complete one of these sheets for each project contemplated in <u>calendar</u> 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

PART I Project Description and Objective(s)

### Project Name: Green Bay Harbor Navigational Channel Deepening Project

Deepen federal navigational channel from Grassy Island to the East River Turning basin to St. Lawrence Seaway specification of 26'3". Presently the channel is 26' to Grassy Island then shallows to 24' until the Main St. Bridge and 22' beyond. The channel would need to be dredged a distance of 4 miles. The U.S. Army Corps of Engineers may then be authorized to conduct a Feasibility Study consisting of a cost/benefit analysis to determine if deepening the whole federal channel is warranted. The port would benefit by decreasing shipping costs and expanding cargoes presently not received because the cargoes are transported on ocean-going ships requiring the necessary seaway draft. The total quantity of material to be dredged from the navigational channel is an est. 870,369 cy at a cost of \$25.00/cy or \$21,759,225.

11 Project Resources		PART III Rank & Probability
ted Funding Sources (All types)	Amount	<ul> <li>(a) Of the projects listed for the year noted above, this project</li> </ul>
Wisconsin DOT HAP (50%)	\$10,879,612	is of <u>1st</u> priority to the applicant.
Brown County (50%) (Terminal Operators)	\$10,879,613	(b) The estimated probability of this project being started in
		year noted above is: (Circle One) High
	\$21,759,225 Total	Medium
	wisconsin DOT HAP (50%) Brown County (50%)	Misconsin DOT HAP (50%)   Amount

THREE-YEAR HARBOR DEVELOPMENT

Due: April 1, 2018

Date: January 31, 2018

Dia

#### STATEMENT OF INTENTIONS

Send to: WDOT

Bureau of Railroads & Harbors

P. O. Box 7914

Madison, Wisconsin 53707-7914

#### Port of Green Bay

Harbor Name

# Brown County (Brown County Port & Resource Recovery Department)

Responsible Local Unit of Government (County, City, Village or Town)

Improvements Proposed in Calendar Year 2020

Complete one of these sheets for each project contemplated in calendar 2018, 2019 and 2020. Include only those projects that benefit COMMERCIAL TRANSPORTATION. Examples include dredging, dredge disposal and dock wall

construction.

PART I Project Description and Objective(s)

# Project Name: Port of Green Bay Slip and Dock Wall Deepening Project

Dredge the necessary slips and dock walls to St. Lawrence Seaway specification of 26'3". Presently the slips are approximately 24'. The Fox River Dock slip would need to be dredged at an estimated cost of \$600,000. The Western Lime Company dock wall would need to be dredged at an estimated cost of \$300,000. WPS, Flint Hills Resources, Sanimax, St. Mary's Cement, RGL Holdings, C. Reiss Coal, LaFarge, NE Asphalt and Georgia-Pacific would also have to be dredged. Estimated dredging cost of an additional \$2.5 million.

PART II Project Resources		PART III Rank & Probability
Expected Funding Sources (All types)	Amount	(a) Of the projects listed for the
(a) WI DOT HAP (80%)	\$ 2,720,000	year noted above, this project is of <u>2nd</u> priority to the
(b) Brown County (20%) (Terminal Operators)	\$ 680,000	applicant.
(c)		(b) The estimated probability of this project being started in
d)		year noted above is:
	\$ 3,400,000 Total	(Circle One) High Medium Low

Prepared By: Dean Haen, Director Date: January 31, 2018

No. 11	CLOSED SESSION - None.			
No. 12	SUCH OTHER MATTERS AS AUTHORIZED BY LAW.			
No. 12a	FROM SUPERVISOR LINSSEN: TO DISCUSS LOWERING BALLOT ACCESS SIGNATURE REQUIREMENTS FOR THE BROWN COUNTY BOARD.			
Referred to Ex	ecutive Committee			
No. 13	BILLS OVER \$5,000 FOR PERIOD ENDING JANUARY 31, 2018.			
	made by Supervisor Clancy and seconded by Supervisor Grusyznski "to pay the eriod ending January 31, 2018." Voice vote taken. Motion carried			
No. 14	CLOSING ROLL CALL			
Present:	Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima Vander Leest, Buckley, Landwehr, Dantinne, Brusky, Ballard, Kaster, Var Dyck, Linssen, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker.			
Excused:	Kneiszel, Evans.			
Total Present:	23 Total Excused: 2			
No. 15	ADJOURNMENT TO WEDNESDAY, MARCH 21, 2018 AT 7:00 P.M., LEGISLATIVE ROOM 203, 100 N. JEFFERSON ST., GREEN BAY, WISCONSIN.			
	made by Supervisor Dantinne and seconded by Supervisor Hoyer "to adjourn to te and time." Voice vote taken. Motion carried unanimously.			
Meeting Adjou	rned at <u>8:49pm</u>			

/s/ Sandra L. Juno SANDRA L. JUNO Brown County Clerk